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2432. The Unrepealed Acts of the Bengal Council, 1862. By J. W. Funnell.

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THE UNREPEALED ACTS

OF THE

BENGAL COUNCIL.

ACT No. I OF 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 14th April 1862.)

An Act to enforce the hoisting of Signals of the names of Vessels pas[sing] Signal Stations established on the river Hooghly and the branches th[ereof]

1. Master on arriving within Signal distance of Signal Station sha[ll] hoist the number of his vessel.

2. Penalty for not hoisting Signal.

3. Pilot shall require the Master to hoist Signal. And if Master re[fuses] to do so, Pilot may bring the vessel to anchor.

4. Punishment of Pilot disobeying or conniving at disobedience to the provisions of this Act.

5. This Act to be taken as part of Act XXII of 1855.

WHEREAS it is expedient that the names of inward and outward bound Vessels to and from the Port of Calcutta should be made known at the several Signal Stations established within the limits of the River Hooghly or within the limits of any Channel which may be made subject to the provisions of Act XXII of 1855 (*for the regulation of Ports and Port-dues*) ; It is enacted as follows :—

I. The Master of every inward or outward bound Vessel, on arriving within Signal distance of any Signal Station established within the limits of the River Hooghly or within the limits of any Channel which may be made subject to the provisions of Act XXII of 1855, shall, on the requisition of the Pilot who may be in charge of the Vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the Signal flying until it be answered from the Signal Station.

Master on arriving within Signal distance of Signal Station shall hoist the number of his vessel.

II. Any Master of a Vessel arriving as aforesaid, who shall refuse or neglect to conform to the above rule, shall be liable on conviction, for each instance of refusal or neglect, to a fine not exceeding one thousand Rupees.

Penalty for not hoisting Signal.

III. Every Pilot in charge of a Vessel shall require the number of the Vessel of which he is in charge to be duly signalled as provided under Section I of this Act. When, on a requisition from the Pilot to that effect, the Master of a Vessel not employed in the service of Government shall refuse to hoist the number of a Vessel, or to adopt such other means of making her name known as may be practicable and usual, the Pilot in charge of such Vessel may, on arrival at the first place of safe anchorage, anchor the Vessel in question and refuse to proceed on his course until the requisition shall have been complied with.

Pilot shall require the Master to hoist Signal.

And if Master refuses to do so, Pilot may bring the vessel to anchor.

IV. Any Pilot in charge of a Vessel, who may be proved guilty of neglect to obey, or of connivance with the Master of such Vessel in disobeying, the provisions of this Act, shall be liable to a penalty not exceeding five hundred Rupees for each instance of neglect or connivance, and in addition shall be liable to dismissal from his appointment.

Punishment of Pilot disobeying or conniving at disobedience to the provisions of this Act.

V. This Act shall be taken and read as part of Act XXII of 1855, and the penalties provided by this Act shall be recoverable under Section LV of that Act.

This Act to be taken as part of Act XXII of 1855.

ACT No. II of 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 14th April 1862).

*An Act to amend Act XLII of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter).**

1. Persons carrying on business &c., by agents, to be liable to the jurisdiction of Small Cause Courts.

2. Service of summons on Agent &c., to be deemed good service. Proviso.

3. Act to be read as part of Act XLII of 1860.

Preamble.

WHEREAS it is expedient to amend Act XLII of 1860 (so far as the same relates to the Provinces subject to the Government of Bengal) in order to enable suitors to sue persons not actually residing, but carrying on business through their servants or agents, within the local limits of the jurisdiction of the Courts established under the said Act; It is enacted as follows:—

Persons carrying on business &c., by agents, to be liable to jurisdiction of Small Cause Courts.

I. As regards suits instituted after the passing of this Act all persons shall be deemed to be within the jurisdiction of any Court established under Act XLII of 1860, who at the time of the commencement of the suit in such Court, carry on by their Managers, Agents, or Servants any business or work for gain within the local limits of the jurisdiction thereof.

Service of summons on Agent &c., to be deemed good service. Proviso.

II. Service of any summons issued under this Act on any Manager, Agent, or Servant by whom the defendant may so carry on business or work for gain, shall be deemed to be good service upon the defendant, provided that such Manager, Agent, or Servant, himself at the time of such service personally carries on the business or works for gain for such defendant within the local limits of the jurisdiction of the Court from which the summons issues.

Act to be read as part of Act XLII of 1860.

III. This Act shall be taken and read as part of Act XLII of 1860.

ACT No. III of 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 21st April 1862.)

An Act to amend Act XI of 1859 (to improve the law relating to sales of land for arrears of Revenue in the Lower Provinces under the Bengal Presidency).

1. Repeal of Sections 45 and 59 Act XI of 1859.

2. Time for registration under Sections 40, 43, and 44 of Act XI of 1859, extended.

3. Fees to be paid at the rates mentioned in the Schedule.

4. This Act to be read as part of Act XI of 1859.

Preamble.

WHEREAS it is expedient to extend the period allowed for the registry of under-tenures and farms, and to alter the scale of fees on certain applications for the opening of separate accounts for shares of entire estates, for deposit of money or government securities, and for registry of under-tenures and farms; It is enacted as follows:—

Repeal of Sections 45 and 59 Act XI of 1859.

I. Sections 45 and 59 of Act XI of 1859 are hereby repealed.

Time for registration under Sections 40, 43 and 44 of Act XI of 1859, extended.

II. Applications under Sections 40, 43, and 44 of Act XI of 1859, for registry of tenures and farms created before the passing of Act XI of 1859, must be made within three years of the passing of this Act. Applications for the registry of tenures existing at the time of the passing of this Act, but created after the passing of Act XI of 1859, must be made within three months of the passing of this Act. Applications for the registry of tenures created after the

* Act XLII of 1860 was subsequently repealed by Act XI of 1865.

passing of this Act must be made within three months of the date of the Deed constituting the tenure.

III. The Collector on the part of the Government shall be entitled to demand from applicants under Sections 10 and 11, Sections 15 and 16, Sections 40, 43, and 44 of Act XI of 1859, fees not exceeding the rates specified in the Schedule to this Act annexed, which Schedule shall be taken as part of this Act; and applications under the said Sections shall not be received unless the said fees are tendered therewith. Fees to be paid at the rates mentioned in the Schedule.

IV. This Act shall be taken and read as part of the said Act XI of 1859. This Act to be read as part of Act XI of 1859.

SCHEDULE OF FEES.

1. For filing an application under Section 10 or Section 11 of Act XI of 1859, for opening a separate account for a share of an entire estate—

If the annual jumma of the share do not exceed 1,000 Rupees, at the rate of ten per cent upon the jumma. If the annual jumma of the share exceed 1,000 Rupees, at the rate of ten per cent. upon 1,000 Rupees, and two per cent. upon all above that amount.

2. For filing an application for a deposit of money or Government securities under Section 15 of the said Act, half per cent. on the amount deposited.

For any interest on Government securities so deposited, drawn by the Collector, half per cent. on the amount drawn.

For filing an application for withdrawal of a deposit under Section 16 of the said Act, half per cent. on the amount withdrawn.

3. For filing an application, under section 40, 43, or 44, of the said Act, for the registration of an under-tenure or farm—

If the annual rent of the under-tenure or farm do not exceed 1,000 Rupees, at the rate of five per cent. on the rent.

If the annual rent of the under-tenure or farm exceed 1,000 Rupees, at the above rate up to 1,000 Rupees, and at one per cent. on all above that amount.

ACT No. IV OF 1862.

(An Act for the better enforcement of discipline in the great Jail at Calcutta.)

REPEALED BY ACT V OF 1865 OF THE BENGAL COUNCIL.

ACT No. V OF 1862.*

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 1st May 1862.)

An Act to provide for the Periodical Survey of Steam Vessels in the Port of Calcutta.

1. Superseded by Section 1 Act of 1868 of the Bengal Council.

2. Government to appoint one or more Surveyors.

3. Authority to Surveyors to go on board Steamers for the purpose of surveying. Penalty for hindering them in making the survey, or withholding required information.

4. Surveyors to grant Certificate and Declaration when they can with propriety do so.

5. No clearance to be given to a Steamer for a voyage for which she has not got a Certificate from the Surveyors.

* Act I. 1868 of the Bengal Council to be read with and taken as part of this Act.

6. Master or Officer who is a licensed Pilot attempting to take his ship out of Calcutta, without a proper Certificate, liable to lose his license.

7. Special survey may be ordered by Government on any British Steamer in the Port of Calcutta.

8. Government may make Rules as to mode and time of conducting survey.

9. Penalty for Surveyor who receives fees, &c., for making a survey.

10. Fees to be paid for every survey made.

11. Certificates to be always hung up in conspicuous part of Vessel.

12. Certificate to be in force only six months: and to be delivered up when expired or revoked. Proviso in case of Vessels absent from Port when Certificate expires.

13. Certificate and Declaration may be cancelled by Government.

14. If the correctness of a survey is doubted, Government may order a second survey by other Surveyors.

15. Offences under this Act by whom to be tried.

16. Surveyor acting alone included in term "Surveyors."

Preamble.

WHEREAS it is desirable to provide for the survey, by competent Surveyors, of Steam Vessels in the Port of Calcutta, with a view to the due security of the lives of passengers, and of property shipped on board such Steam Vessels; It is enacted as follows:—

I. Superseded by Section I. Act I. 1868 of the Bengal Council.

Government to appoint one or more Surveyors.

II. It shall be lawful for the Lieutenant-Governor of Bengal to appoint a fit and proper person, or fit and proper persons, to be a Surveyor or Surveyors for the purposes of this Act.

Authority to Surveyors to go on board Steamers for the purpose of surveying.

III. It shall be lawful for the said Surveyors in the execution of their duties to go on board any Steam Vessel, liable to be surveyed under this Act, as soon as reasonably may be after the arrival of such Steam Vessel in the Port of Calcutta,* and not so as unnecessarily to hinder the loading or unloading of such Steam Vessel, or to detain or delay her from proceeding on any voyage or service, and to inspect such Steam Vessel or any part thereof and any of the machinery, equipments, or articles on board thereof; and the Owner, Master, and Officers serving on board of such Vessel shall be bound to afford to the Surveyors all reasonable facility for such inspection or survey, and to afford them all such information respecting such Vessel and her machinery and equipments, or any part thereof respectively, as may be reasonably required by the Surveyors; and any person who shall refuse access to the Surveyors, or shall otherwise hinder them in the performance of their duty, or shall refuse or neglect to give any information which may reasonably be required of them and which they have it in their power to give, shall be liable for each offence to a penalty of five hundred Rupees, or to one month's imprisonment.

Penalty for hindering them in making the survey, or withholding required information.

Surveyors to Grant Certificate and Declaration when they can with propriety do

IV. When any survey is made under this Act, the Surveyors making such survey shall forthwith, if satisfied that they can with propriety do so, and on payment by the Owner or Master of the fees hereinafter mentioned, give to the Owner or Master of the Steam Vessel surveyed a Certificate and Declaration signed by them and framed as nearly as the circumstances of each case will admit in the form set forth in Schedule A hereto annexed.

No clearance to be given to a Steamer for a voyage for which she has not got a certificate from the Surveyors.

V. No Officer of Customs shall grant a clearance, nor shall any Pilot be assigned to any Steam Vessel, liable to be surveyed under this Act, which shall not have been duly furnished with a Certificate and Declaration under the provisions of this Act applicable to the voyage on which she is about to proceed or the service on which she is about to be employed; and if any Steam Vessel, liable to be surveyed under this Act, shall leave or attempt to leave the Port of Calcutta* without such Certificate and Declaration applicable to the voyage on which she is about to proceed or the service on which she is about to be employed, the Owner or Master of such Steam Vessel shall be liable to a fine not exceeding one thousand Rupees for each offence; and if there be any Officer of Customs or any Pilot on board of such Steam Vessel, he may detain her until she is duly furnished with such Certificate and Declaration.

Master or Officer who is a licensed Pilot attempting to take his ship out of Calcutta, without a proper Certificate, liable to lose his license.

VI. If the Commander or any other Officer of a Tug Steamer or of any other Steam Vessel, liable to be surveyed under this Act, is a licensed Pilot, and shall leave or attempt to leave the Port of Calcutta* in such Tug Steamer or Steam Vessel without such Tug Steamer or Steam Vessel being duly furnished with a Certificate and Declaration under the provisions of this Act, applicable to the voyage on which she is about to proceed or the service on which she is about to be employed, such Commander or other Officer shall be liable to have his license as a Pilot taken away from him entirely, or suspended for any period by the Lieutenant-Governor of Bengal, as the Lieutenant-Governor may see fit to order.

* The words "or any other Port of survey" to be inserted here. *Vide* Act I. 1869 B. C.

Special survey may be ordered by Government on any British Steamer in the Port of Calcutta.

VII. It shall be lawful for the Lieutenant-Governor of Bengal to give special directions to the Surveyors under this Act for the survey by them of any British Steamer lying in the Port of Calcutta * and plying between Calcutta and any Port or Ports whatever, and the provisions of this Act shall apply (so far as the same are in any way applicable) to every Vessel so specially directed to be surveyed, and the Owner, Master, and Officers thereof.

Government may make Rules as to mode and time of conducting survey.

VIII. The Lieutenant Governor of Bengal is hereby empowered to frame Rules as to the manner in which the surveys shall be made, and the times and places of such Surveys, and the duties of the Surveyors. Provided that such Rules shall not be inconsistent with the provisions of this Act.

Penalty for Surveyor who receives fees, &c., for making a survey.

IX. Any Surveyor demanding or receiving directly or indirectly from the Owner, Master, or Officer, of any Ship surveyed by him under the provisions of this Act, any fee or remuneration otherwise than as provided by this Act, shall be liable to dismissal, in addition to any other penalty to which he may by law be liable.

Fees to be paid for every survey made.

X. For every survey made under this Act the Owner or Master of the Steam Vessel surveyed shall pay to the Surveyors making the same, a fee calculated on the Tonnage of the Vessel according to the rates in Schedule B hereto annexed.

Certificates to be always hung up in conspicuous part of Vessel.

XI. Each Certificate and Declaration granted by Surveyors under this Act shall be hung up, and remain at all times suspended, in some conspicuous part of the Vessel for which the same is granted, where the same may be easily read; and in default of compliance with this provision, every Owner or Master shall be liable to a penalty not exceeding one hundred Rupees for each offence, such fine to be leviable by distraint or sale of personal property.

Certificates to be in force only six months: and to be delivered up when expired or revoked.

Proviso in case of Vessels absent from Port when Certificate expires.

XII. No Certificate or Declaration shall be held to be in force for the purposes of this Act after the expiration of six Calendar months from the date thereof. Provided that, if any Steam Vessel *is absent from the Port of Calcutta*† when her Certificate and Declaration expire, no penalty shall be incurred for the want of a Certificate and Declaration until she first begins to ply or is about to ply after her next subsequent *return to the Port of Calcutta.*‡ And the Lieutenant-Governor of Bengal, or any Officer appointed by him for that purpose, may require any Certificate and Declaration which has expired or has been revoked or cancelled, to be delivered up as may be directed; and any Owner or Master or other person who, without reasonable cause, neglects or refuses to comply with such requirement, shall incur a penalty not exceeding one hundred Rupees for each offence.

Certificate and Declaration may be cancelled by Government.

XIII. The Lieutenant-Governor of Bengal, or any Officer appointed or authorised by him for that purpose, may revoke and cancel any Certificate and declaration granted under this Act in any case in which he has reason to believe—

(1.) That the Certificate and Declaration of the sufficiency and good condition of the hull, equipments, and machinery of any Steam Vessel, or either of them, have been fraudulently or erroneously given or made: or

(2.) That such Certificate and Declaration have otherwise been issued upon false or erroneous information: or

(3.) That since the giving and making of such Certificate and Declaration, the hull, equipments, or machinery of such Ship have sustained any injury or are otherwise insufficient.

And in every such case the Lieutenant-Governor of Bengal or such Officer as last aforesaid may, if he thinks fit, require the Owner or Master to have such Steam Vessel again surveyed as herein provided.

If the correctness of a survey is doubted, Government may order a second survey by other Surveyors.

XIV. If any Steam Vessel shall be surveyed under the provisions of this Act, and if the Surveyors shall decline to give any Certificate or Declaration, or shall give a Certificate or Declaration with which the Owner or Master of the Steam Vessel shall be dissatisfied, the Lieutenant-Governor of Bengal may, on the application of such Owner or Master, appoint two other competent Surveyors to survey the said Steam Vessel. The Surveyors so appointed shall forthwith survey the said Steam Vessel, and shall either decline to give any Certificate and Declaration, or shall give such Certificate and Declaration as under the circumstances may seem to them proper. Every survey made under this Section shall be made subject to all the provisions and rules both as to the payment of fees and otherwise which are applicable to surveys made in ordinary cases under this Act. If the Surveyors appointed under this Section unanimously refuse to give any Certificate and Declaration, or agree as to the terms of their Certificate and

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* The words "or any other Port of survey" to be inserted here. *Vide* Act I. 1868 B. C.

† The words "shall not be in any Port of survey" are to be substituted for those italicised. *Vide* Act I of 1868 B. C.

‡ The words "arrival at some Port of survey" are to be substituted for those italicised. *Vide* Act I. 1868 B. C.

Declaration, such refusal or such Certificate and Declaration shall be final and conclusive; but if they do not agree, the refusal originally made or the Certificate and Declaration originally granted by the Surveyors who surveyed the said Steam Vessel in the first instance, shall remain and be of full force and effect.

Offences under this Act by whom to be tried.

XV. Any case arising out of this Act may be tried by any Officer having the full powers of a Magistrate, within whose jurisdiction the offence may have been committed, or by any Police Magistrate of the Town of Calcutta. The provisions of Section LV of Act XXII of 1855 *(for the regulation of Ports and Port-dues)* are hereby extended to all penalties imposed under this Act; and all fees due under Section X of this Act shall be recoverable in like manner as penalties are recoverable

Surveyor acting alone included in term "Surveyors."

XVI. The word "Surveyors" as used in this Act shall be taken to include any Surveyor acting alone when authorized so to do by the Lieutenant-Governor of Bengal under the provisions of this Act.

SCHEDULE A.

Form of Surveyors' Certificate and Declaration.

Name of Steam Vessel.	Tonnage.	When and where built and Material	Power.	Description of engines and age.	Description of Boilers and age.	Ground Tackle.	Condition of Hull.	General Equipment.	Name of master and Number of Officers and deck-crew, and of engineers and engine-room crew.	When and where last coppered, repaired, or cleaned.	Limits (if any) beyond which the vessel is not fit to ply.	Time, if less than six months, for which the Hull, Boilers, Engines, or any of the Equipments, will be sufficient.	REMARKS.

We, the undersigned, declare that we have examined the above-named Steamer, and to the best of our judgment she and her engines, as shewn in the above Statement, are fully sufficient for the service on which it is intended to employ the said Steamer, that is to say for *(as the case may be.)*

SCHEDULE B.

Rates of Fees to be charged—(referred to in Section X.)

	Rs.	As.	P.
For Steamers of less than 200 Tons	20	0	0
„ „ 200 Tons and up to 350	25	0	0
„ „ 350 „ „ „ 700	30	0	0.
„ „ 700 „ „ „ 1,000	40	0	0
„ „ 1,000 „ „ „ 1,500	50	0	0
„ „ 1,500 „ and upwards	60	0	0

ACT No. VI of 1862.

(An Act to amend Act X of 1859 [to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.])

REPEALED BY ACT VIII OF 1869 OF THE BENGAL COUNCIL.

ACT No. VII of 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor-General on the 1st May 1862.

An Act to repeal Section XXX of Regulation II. 1819 (for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.)

1. Section 30 of Regulation II. 1819 repealed.
2. Suits for resumption of land held free of assessment to be tried in the ordinary Civil Courts: so also claims to hold land free of assessment.
3. Act to apply to all pending suits commenced under Section 30 of Regulation II. 1819. Collectors shall transfer all suits pending before them to the Civil Courts.
4. Act not to invalidate proceedings, &c., under Section 30 of Regulation II. 1819, and transfer of suit to Civil Court not to alter effect of proceedings previously had.

Preamble.

WHEREAS by Section XXX of Regulation II. 1819, it is enacted that certain suits preferred in a Court of Judicature regarding lands held, or claimed to be held, free of assessment, shall be referred for investigation to the Collector, and that similar suits may be preferred in the first instance to the Collector; and whereas such reference of suits is unnecessary and causes inconvenience and delay in their decision, and it is advisable that such suits should be preferred and disposed of exclusively in the ordinary Courts of Civil Judicature; It is enacted as follows:-

Section 30 of Regulation II. 1819 repealed.

I. Within the Provinces subject to the Government of Bengal, Section XXX of Regulation II. 1819 is hereby repealed, except as regards such suits decided by Collectors under the provisions of that Section as may be open to appeal at the date of the passing of this Act.

Suits for resumption of land held free of assessment to be tried in the ordinary Civil Courts; so also claims to hold land free of assessment.

II. All suits preferred by proprietors, farmers, or talookdars, to resume the revenue of any land held free of assessment, as well as all suits preferred by individuals claiming to hold land exempt from the payment of revenue, shall be instituted, heard, and determined in and by the Courts of Civil judicature, like ordinary civil suits, and under the rules and subject to all the provisions contained in Act VIII of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*), and not otherwise.

Act to apply to all pending suits commenced under Section 30 of Regulation II. 1819.
Collectors shall transfer all suits pending before them to the Civil Courts.

III. This Act shall apply to all suits commenced under Section XXX of Regulation II. 1819, and pending decision under that Section in any Court (other than a Court to which such suit has come by way of appeal), or before any Collector at the time of the passing of this Act. All Collectors shall forthwith transfer to the ordinary Courts of Civil judicature all such suits, whether originally instituted before them, or referred to them by the Civil Courts, as may be pending before them at the time of the passing of this Act; and all suits so transferred shall be heard and determined as provided for by this Act, and not otherwise.

Act not to invalidate proceedings, &c., under Section 30 of Regulation II. 1819, and transfer of suit to Civil Court not to alter effect of proceedings previously had.

IV. This Act shall not in any way invalidate or alter the effect of anything which shall have been done in any suit prior to the passing of this Act; and all proceedings which, prior to the transfer of any suit, shall have been held, or shall have taken place under, or in accordance with, the provisions of Section XXX of Regulation II. 1819, shall be taken, and shall have effect, so far as circumstances will permit, as if the same had been held or had taken place in due course in the Court to which the suit shall be transferred.

ACT No. VIII of 1862.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Governor General on the 8th May 1862).

An Act to improve the system of Zemindary Dawks in the Provinces subject to the Government of Bengal.

1. Section 10 Regulation XX. 1817 repealed.

2. Appointment, remuneration, and removal of dawk-runners vested in Magistrate or other Officer appointed by Government.

3. Raising of funds for maintaining Zemindary Dawks.

4. No Zemindary Dawk to be maintained where there is a Government Post.

5. Total sum necessary to be fixed and apportioned rateably on Sudder Jumma of those liable to contribute.

6. Notice to be given of amount to be levied, its rateable apportionment, and days of payment.

7. Appeal to Commissioner when assessment on any one person exceeds forty Rupees in the year. Proviso.

8. Exemption from liability to pay assessment.

9. Payment to be half-yearly, and in advance : and double amount to be levied on default. Proviso.

10. Any surplus to be carried to credit of next year's Dawk account.

11. Government to frame general Rules.

12. This Act not to affect contracts between Zemindars and their under-tenants.

13. Act to take effect on and from 1st December next.

Preamble.

WHEREAS the conveyance of letters on the public service between Police Officers and Police Stations and the Magisterial Officers of the Districts subject to the Government of Bengal, is defective, irregular, and uncertain, and the system requires to be amended and placed on a better footing; It is enacted as follows :—

Section 10 Regulation XX. 1817 repealed.

I. Section X of Regulation XX. 1817 is hereby repealed, so far as the same relates to the Districts and Provinces subject to the Government of Bengal.

Appointment, remuneration, and removal of dawk-runners vested in Magistrate or other Officer appointed by Government.

II. The appointment, removal, and payment of dawk-runners and other persons necessary for the performance of the service of conveying papers, letters, packets, and correspondence between Police Officers and Police Stations and Magistrates of Districts, or Officers in charge of Sub-Divisions, shall be vested exclusively in the Magistrate of each District, or in such other Officer as the Government may from time to time direct.

Raising of funds for maintaining Zemindary Dawks.

III. It shall be lawful for the Magistrate of every District, or for such other Officer as the Government may from time to time direct, to raise, as hereinafter provided, the monies necessary for the payment of the establishments required for the purpose of efficiently maintaining the Zemindary Dawks within the District, from all Zemindars, Sudder Farmers, and other persons paying revenue direct to Government in respect of lands situated within the District.

No Zemindary Dawk to be maintained where there is a Government Post.

IV. Provided always that no Zemindary Dawk shall be established or maintained under this Act between any two places between which a Government Post for the time being exists.

Total sum necessary to be fixed and apportioned rateably on Sudder Jumma of those liable to contribute.

V. The Magistrate or such other Officer as aforesaid shall in each and every year, on or before the last day of the month of December, fix, subject to the approval and revision of the Commissioner of the Division, the total sum necessary for the next ensuing year for the efficient service of the Zemindary Dawks in his District, and apportion such amount rateably on the Sudder jumma of the parties liable as aforesaid to pay the same, and shall appoint the days for the payment thereof.

Notice to be given of amount to be levied, its rateable apportionment, and days of payment.

VI. A notice shewing the amount to be levied for the ensuing year and the rateable apportionment thereof among the persons liable to pay the same, and the days appointed for payment thereof, shall be affixed in some conspicuous place in the Office of the Magistrate or of such other officer as aforesaid, and also in the Office of the Collector of the District, not less than fifteen days previous to the day appointed for the first half yearly payment.

Appeal to Commissioner when assessment on any one person exceeds forty Rupees in the year.

VII. An appeal shall lie to the Commissioner of the Division from any order of a Magistrate or such other Officer as aforesaid, imposing on any one person a pecuniary liability for more than forty Rupees a year under Section V of this Act. Provided that such appeal shall be presented to the Commissioner

within thirty days from the date of affixing in the Office of the Magistrate or of such other officer as aforesaid the notice of the imposition of the liability appealed against.

Proviso.

VIII. It shall be lawful for such Magistrate or other Officer aforesaid, by an order to that effect, to exempt from the liability to payment of an assessment under this Act any person the Sudder Jumma of whose estates in any one District does not exceed fifty Rupees a year.

Exemption from liability to pay assessment.

IX. The sums leviable under this Act shall be paid into the District Treasury half-yearly and in advance by the persons liable to pay the same; and any person or the local Agent of any person liable to pay any sum assessed under this Act, who shall refuse or shall for the space of thirty days after the day appointed for the payment thereof neglect to pay the same, shall be liable to pay double the amount so assessed, which said double amount, in default of immediate payment, shall be levied by the order of the Magistrate or of such other Officer as aforesaid by distraint and sale of moveable property of the person making default. Provided always that no person shall become liable to pay double the amount originally assessed, so long as any appeal instituted by him under Section VII of this Act shall be pending.

Payment to be half-yearly, and in advance: and double amount to be levied on default.

Proviso.

X. If the whole of the sum raised for the service of any one year be not actually required for that service, the surplus shall be placed to the credit of the Zemindary Dawk account for the next ensuing year, and shall go in reduction of the total sum to be levied for the service of that year under this Act: and when a double amount is levied under the last preceding Section, so much thereof as is in excess of the sum for which the person from whom it is levied was in the first instance assessed, shall in like manner be placed to the credit of the next ensuing year's account, and go in reduction of the total sum to be levied for that year.

Any surplus to be carried to credit of next year's Dawk account.

XI. The Government may from time to time frame general Rules for the guidance of the Authorities and for the transport of the Dawks established by this Act, provided such Rules be not incompatible with its provisions, or with the provisions of Act XVII of 1854 (*for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office*), or with any Rules made under that Act by the Governor General of India in Council.

Government to frame general Rules.

XII. Nothing in this Act contained shall in any way affect or alter any contract or engagement made or to be made by any Zemindar with any person holding under him.

This Act not to affect contracts between Zemindars and their under-tenants.

XIII. This Act shall take effect on and from the first day of December next.

Act to take effect on and from 1st December next.

ACT No. IX OF 1862.

(An Act to amend the law relating to the appointment of Registers of Deeds, and to provide for the establishment of Deputy Register Offices.)

REPEALED BY ACT II OF 1865 OF THE BENGAL COUNCIL FROM THE DATE ON WHICH ACT XVI OF 1864 OF THE GOVERNOR-GENERAL'S COUNCIL CAME INTO OPERATION.

ACT NO. I OF 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 6th January 1863, and of the Governor General on the 9th idem.)

An Act for the Levy of Port-dues and Fees in the Port of Canning on the River Mutlah.

1. Port-due chargeable on Sea-going vessels of twenty tons and upwards entering the Port.
2. No Port-due on vessels compelled by stress of weather to re-enter the Port.
3. Port-due on Dhonies and country vessels.
4. Vessels entering the Port in ballast.
5. Tug Steamers and River Steamers.
6. Fees for certain services.
7. Commencement of Act. Rates of Port-dues to be published. No other Port-dues to be levied.
8. Act to be read as part of Act XXII of 1855.

Preamble.

WHEREAS it is necessary to fix the amount of the Port-dues and Fees to be levied and taken in the Port of Canning on the River Mutlah, in accordance with the provisions of Act XXII of 1855 *(for the levy of Port-dues and fees)*; It is enacted as follows:—

Port-due chargeable on Sea-going vessels of twenty tons and upwards entering the Port.

I. A Port-due at a rate not exceeding the rate of four annas for every ton of burden shall be chargeable in respect of every Sea-going vessel of the burden of twenty tons and upwards which shall enter the said Port.

No Port-due on vessels compelled by stress of weather to re-enter the Port.

II. Provided that no such due shall be chargeable in respect of any vessel which, having left the Port, is compelled to re-enter it by stress of weather, or in consequence of having sustained any damage.

Port-due on Dhonies and country vessels.

III. Provided also that the Port-due chargeable in respect of Dhonies and country vessels employed in the coasting trade shall be at a rate equal to one-half the rate chargeable in respect of other vessels; and such due shall not be chargeable oftener than once in ninety days in respect of the same vessel.

Vessels entering the Port in ballast.

IV. Vessels entering the Port in ballast shall be charged with three-fourths of the Port-due which would other-wise be chargeable.

Tug Steamers and River Steamers.

V. Tug Steamers and River Steamers belonging to the said Port shall be liable to the Port-due specified in Section I of this Act, and the said due shall be chargeable in respect of every such Steamer once between the 1st day of January and the 30th day of June, and once between the 1st day of July and the 31st day of December in each year. The provisions of Section XLVI of Act XXII of 1855 shall not be applicable to such Steamers.

Fees for certain services.

VI. Within the said Port, fees may be charged for the following services at rates not exceeding those hereinafter specified, namely:—

Hauling to or from Chain Moorings, each operation	Rs.	16
Hauling to or from Swinging Moorings, each operation	„	10
Re-mooring	„	16
Hauling in or out of Dock, each operation	„	30
Removing from one part of the Port to another	„	16
Removing from one mooring to another at the request of the Agent or Master	„	30
Hooking	„	16
Measuring	„	30

Commencement of Act.

Rates of Port-dues to be published.

No other Port-dues to be levied.

VII. This Act shall commence and have effect on the first day of August 1863, and the Lieutenant-Governor of Bengal shall on or before that date, pursuant to Section XLII of Act XXII of 1855, declare, by Notification to be published in the Calcutta Gazette, the rates at which Port-dues shall be levied in the said Port subject to the provisions of, and within the limits prescribed by, this Act; and from and after the said date no Port-due shall be levied at the said Port except under the authority of Act XXII of 1855 and of this Act.

Act to be read as part of Act XXII of 1855.

VIII. This Act shall be read with and taken as part of Act XXII of 1855.

ACT NO. II OF 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 17th January 1863, and of the Governor-General on the 21st idem.)

An Act to abate and prevent nuisances arising from the Smoke of Furnaces in the Town and Suburbs of Calcutta.

1. Furnaces in the Town and Suburbs of Calcutta to consume their own smoke. Exception as to Locomotive Engines and Steam Vessels.
2. Interpretation of the term "consume or burn the smoke."
3. Magistrate may grant order giving power to inspect a furnace. Penalty for obstructing inspection.
4. No information to be laid except by authority of Magistrate.
5. Interpretation. "Magistrate." "Suburbs."
6. Words in the singular number to comprise the plural.
7. Recovery of penalties. Penalties how to be disposed of.

Preamble.

WHEREAS it is expedient to abate and prevent nuisances arising from the smoke of furnaces in the Town and Suburbs of Calcutta; It is enacted as follows:

Furnaces in the Town and Suburbs of Calcutta to consume their own smoke.

I. Every furnace employed or to be employed anywhere within the Town or Suburbs of Calcutta in the working of Engines by steam, and every furnace employed or to be employed within the said Town or Suburbs in any works, or in any building used for the purposes of trade or Manufacture (although a Steam engine be not used or employed therein), shall be constructed or altered so as to consume or burn the smoke arising from such furnace on and after the first day of July 1864. And if any person, on or after the said first day of July 1864, and within the Town and Suburbs aforesaid, shall use any such furnace which shall not be constructed or altered so as to consume or burn its own smoke, or shall so negligently use any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt, or shall not use the best practicable means for preventing or counteracting such smoke, every person so offending, being the owner or occupier of the premises, or being a Foreman or other person employed by such owner or occupier in charge of such furnace, shall, upon a summary conviction for such offence before any Magistrate, forfeit and pay a sum of not more than fifty Rupees, and upon a second conviction for such offence the sum of one hundred Rupees, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction. Provided always that this Act shall not apply to any Locomotive Engine used wholly upon any Railway in the Suburbs of Calcutta, nor to any Steam Vessel which is not employed as a Ferry boat plying from any one place within the said Town and Suburbs of Calcutta to any other place within the said limits.

Exception as to Locomotive Engines and Steam Vessels.

Interpretation of the term "consume or burn the smoke."

II. The words "consume or burn the smoke," as used in this Act, shall not be held to mean "consume or burn every particle of the smoke," and the Magistrate before whom any person shall be summoned may remit the penalties enacted by this Act, if he shall be satisfied that such person has so constructed or altered his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the smoke arising from such furnace.

Magistrate may grant order giving power to inspect a furnace.

III. It shall be lawful for any Magistrate to grant an order authorising any person therein named to inspect any furnace to which the provisions of this Act shall apply, and to examine the construction thereof. If the owner or occupier of any premises to which the provisions of this Act shall apply, shall refuse to allow his premises to be inspected by a person duly authorized by a Magistrate for that purpose, it shall be lawful for any Police Officer or other person authorized by the order in writing of a Magistrate, with or without any Assistants, to enter into and upon such premises and to inspect the same and examine any furnace therein; and any person obstructing any such Police Officer or other person or his Assistants in the execution of any such order shall, upon a summary conviction for such offence before a Magistrate, forfeit and pay a sum not exceeding two hundred Rupees.

Penalty for obstructing inspection.

No information to be laid except by authority of Magistrate.

IV. No information shall be laid against any person for the recovery of any penalty under this Act, except by the authority of a Magistrate.

Interpretation. "Magistrate."

V. In this Act the word "Magistrate," as regards cases arising within the local limits of the Town of Calcutta, shall mean any Magistrate of Police for the said Town, and as regards cases arising without the said Town shall mean any Officer

"Suburbs."

having the full powers of a Magistrate : and the term "Suburbs of Calcutta" shall include the Suburbs of Calcutta and the Station of Howrah as defined and described in Act XXI of 1857 (*for making better provision for the order and good Government of the Suburbs of Calcutta and of the Station of Howrah.*)

Words in the singular number to comprise the plural.

VI. Words used in the singular number in this Act shall be held to comprise the plural, and words used in the plural number to comprise the singular.

Recovery of penalties.

VII. All penalties imposed by this Act may be recovered, if for offences not committed within the local limits of the Town of Calcutta, in the manner prescribed for the recovery of fines by Section LXI of Act XXV of 1861 (*for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter*), and if for offences committed within those limits, in the manner prescribed for the recovery of penalties by Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*) and Act XLVIII of 1860 (*to amend Act* XIII *of* 1856) or any other Act for regulating the Police of the Town of Calcutta in force for the time being. All penalties to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

Penalties how to be disposed of.

ACT No III of 1863.*

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 10th March 1863, and of the Governor-General on the 28th idem.)

An Act to Regulate the Transport of Native Laborers to the Districts of Assam, Cachar, and Sylhet.

1. Laborers who shall be engaged to proceed to Assam, &c., shall be conveyed there only under this Act. Penalty. Proviso.

2. Lieutenant-Governor may appoint Superintendents of Labor Transport and Medical Inspectors of Laborers.

3. No person not licensed as a Contractor or Recruiter, may engage or contract to supply laborers. Penalty.

4. Superintendent may grant licenses to Contractors.

5. Contractors shall shall keep up depots, and receive and maintain laborers therein.

6. Contractor to give Superintendent such information as he may require.

7. It shall not be lawful to employ an unlicensed Recruiter or Agent.

8. Superintendent may license Recruiters.

9. Superintendent may cancel the license of a Contractor or Recruiter.

10. Recruiter to wear badge. And have his license countersigned by a Magistrate where he is recruiting.

11. Laborer recruited in the Mofussil shall appear before Magistrate for examination and registration. Copy of Register to be sent to the Superintendent.

12. Registration of laborers recruited in Calcutta.

13. Penalty for forwarding laborers or allowing them to go without being duly registered, &c.

14. Laborer shall be accompanied to depot by Recruiter or person approved by Magistrate. Recruiter to provide suitable food and lodging, &c.

15. Contractor to give the Superintendent notice of arrival of laborers at depot. Medical Inspector to inspect laborers on arrival.

16. If unable to proceed to Assam, &c., from bad health, Contractor to send laborer back to where he was registered.

17. Superintendent to examine all laborers as to their treatment on their journey.

18. Every laborer to enter into a written contract to serve for some period not exceeding five years.

19. Contract to be explained by Superintendent and executed in duplicate, and abstract to be entered in a book by Superintendent.

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* Act VI of 1865 of the Bengal Council is to be read with and taken as part of this Act.

20. Copy of abstract to be sent to Magistrate of District where service is to be performed.

21. Laborers whose contracts are duly executed, and entered, may be despatched with consent of Superintendent.

22. Steamer or boat to be licensed to carry laborers.

23. Penalty for conveying laborers in a steamer or boat without a license.

24 Penalty for fraudulent acts, whereby a license becomes inapplicable to the altered state of the steamer or boat.

25. Penalty for taking on board greater number of passengers than specified in license. Two children under ten to count as one person.

26. No laborer to be taken on board unless he has a pass signed by the Superintendent.

27. No laborer to be allowed finally to leave steamer or boat, at any place other than that mentioned in his pass. Proviso.

28 A list of the laborers on board to be delivered to Superintendent. Penalty for afterwards taking on board laborers not entered in list.

29 Notice to be given and list delivered to Magistrate or Officer appointed by him, immediately on arrival of steamer or boat at place of destination.

30. Laborers to be landed under supervision of Magistrate, &c.

31. Magistrate may require Surgeon to inspect laborers and make report.

32. Magistrate, &c., to forward a report to Superintendent.

33. Magistrate &c., to give notice to the persons importing laborers of their arrival. If proper means are not provided for conveyance of laborers to place of final destination, Magistrate, &c., to make arrangements and incur necessary expense. Such expenses how to be recovered.

34. Superintendent to prescribe the quantity of provisions to be carried on steamer or boat. And the number of Medical and other Officers.

35. Provisions of Sections XIV, XXX, XXXI, XXXII, and XXXIV, to apply to children, &c., accompanying laborers.

36. Proportion of females to be carried on steamer or boat.

37. Magistrate of a District may board and inspect steamer or boat.

38 Magistrate shall report to Superintendent if after boarding he find provisions of Act not complied with. And may detain steamer or boat if necessary.

39. Magistrate may, after consulting a Medical Officer, stop laborers on voyage, if violent sickness exist among them.

40. Act not to apply to domestic servants or to laborers proceeding alone.

41. No deduction to be made from the wages mentioned in the attested contract.

42. Penalty for any offence not specially provided for.

43. Penalties in what Court recoverable.

44. Government of Bengal may extend the operation of this Act to laborers going to other Districts besides Assam, &c.

45. Interpretation. "Magistrate." "Contractor." "Laborer." "Steamer "India." Number. Gender.

Preamble.

WHEREAS it is expedient to regulate the passage and transport of native laborers, from or through the Provinces subject to the Government of Bengal, to the Districts of Assam, Cachar, and Sylhet; and also to regulate the manner of engaging and contracting with native inhabitants of the said Provinces to proceed to the said Districts for the purpose of laboring for hire; It is enacted as follows:—

Laborers who shall be engaged to proceed to Assam, &c., shall be conveyed there only under this Act.

Penalty.

I. From and after the first day of May 1863, whoever shall, otherwise than under the provisions of this Act, engage any native inhabitant of India in any of the Provinces subject to the Government of Bengal, to proceed to any or either of the Districts of Assam, Cachar, or Sylhet for the purpose of laboring there for hire; and whoever shall, otherwise than under the provisions of this Act, convey any native inhabitant of India through any of the said Provinces to any or either of the districts aforesaid for the purpose of labouring there for hire, shall be liable to a fine not exceeding two hundred Rupees for every person so engaged or conveyed, and in default of payment of such fine shall be liable to imprisonment for a term not exceeding six months. Provided always that nothing in this Act shall apply to any engagement made in any or either of the said Districts of Assam, Cachar, and Sylhet.

Proviso.

Lieutenant-Governor may appoint Superintendents of Labor Transport and Medical Inspectors of Laborers.

II. For the purposes of this Act it shall be lawful for the Lieutenant-Governor of Bengal to appoint Superintendents of Labor Transport, and Medical Inspectors of Laborers, at any places where he may think proper: provided that, whenever any Superintendent or Medical Inspector shall be appointed, the Lieutenant-Governor of Bengal shall, by Notification in the Calcutta Gazette, define the local limits within which such Superintendent or Medical Inspector shall exercise the powers and authority conferred on him by this Act. When such local limits shall

have been so defined, no other Superintendent or Medical Inspector shall within those limits exercise any of the powers vested in a Superintendent or Medical Inspector by this Act.

No person not licensed as a Contractor or Recruiter, may engage or contract to supply laborers.

Penalty.

III. It shall not be lawful for any person who is not duly licensed as a Contractor or Recruiter as hereinafter provided, to engage or induce, save through or by the Agency of a licensed Contractor, any native inhabitants of India to proceed to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring for hire. Any person, other than a Contractor, licensed as hereinafter provided, who shall enter into any contract or agreement to supply any such native inhabitants for the purpose of laboring for hire in those Districts or any or either of them, and any person other than a Recruiter, licensed as hereinafter provided, who shall enter into any contract or agreement to engage or induce, or shall attempt to engage or induce, any such native inhabitants to proceed to any of those Districts for the purpose aforesaid, shall be liable for each offence to a fine not exceeding one thousand Rupees, and in default of payment thereof to imprisonment for a term not exceeding six months.

Superintendent may grant licenses to Contractors.

IV. It shall be lawful for any Superintendent appointed under this Act to grant to such persons as he may think fit licenses, in the form set forth in Schedule (A) to this Act annexed, to act as Contractors for engaging or supplying persons for the purpose of laboring for hire in the Districts of Assam, Cachar, and Sylhet, or any or either of them. For every such license a fee not exceeding one hundred Rupees (the amount of which shall from time to time be fixed by the Government of Bengal) shall be paid to the Superintendent granting the same; and every such license shall be in force for one year and no longer.

Contractors shall keep up depots, and receive and maintain laborers therein.

V. Every Contractor licensed under this Act, shall, if called on to do so by the Superintendent by whom he is licensed, establish a depot in a place to be approved of by such Superintendent. Every such depot shall be kept up by the Contractor for the reception of laborers to be supplied or forwarded by or through him. All such laborers shall, on their arrival at or in the neighbourhood of the depot so established by the Contractor by, through, or for, whom they have been engaged or forwarded, be at once taken to, and received into it, and shall be entitled to receive in such depot, at the expense of such Contractor, suitable lodging, food, clothing, and medical attendance, until such laborers shall be declared by the Superintendent to be no longer entitled thereto. Every such depot as aforesaid shall be under the supervision of the Superintendent, and shall be open to his inspection and to the inspection of the Medical Inspector at all times, and shall be managed and regulated by the Contractor in accordance with such rules as the Superintendent may with the sanction of the Lieutenant-Governor of Bengal, from time to time lay down in that behalf.

Contractor to give Superintendent such information as he may require.

VI. It shall be the duty of every Contractor to afford such information to the Superintendent by whom he is licensed, and to make such returns and reports to him, as such Superintendent may from time to time require.

It shall not be lawful to employ an unlicensed Recruiter or Agent.

VII. It shall not be lawful for any person, whether a licensed Contractor or otherwise, to employ any person, not duly licensed as hereinafter provided, to act as a Recruiter or Agent in inducing or engaging natives of India to proceed from or through any of the Provinces subject to the Government of Bengal, to the Districts of Assam, Cachar, or Sylhet, as laborers for hire.

Superintendent may license Recruiters.

VIII. It shall be lawful for any Superintendent to grant to such persons as he may think fit licenses, in the form set forth in the Schedule (B) to this Act annexed, to act as Recruiters for engaging or inducing persons to proceed to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring for hire. For every such license a fee not exceeding sixteen Rupees (the amount of which shall from time to time be fixed by the Government of Bengal) shall be paid to the Superintendent granting the same, and every such license shall be in force for one year and no more.

Superintendent may cancel the license of a Contractor or Recruitor.

IX. It shall be lawful for any Superintendent, in case of misconduct on the part of a Contractor or Recruiter, to cancel any license which he may have granted to such Contractor or Recruiter.

Recruiter to wear badge.

X. Every person holding a license as Recruiter shall wear a badge having legibly inscribed on it, in the Oordoo and Bengallee languages, the name of the District or Districts to which he is licensed to engage laborers to proceed.

And have his license countersigned by a Magistrate where he is recruiting.

No Recruiter shall engage or attempt to engage laborers in any district of the said Provinces or in the Town of Calcutta, without having first exhibited his license to a Magistrate in such District or Town, and obtained the countersignature of the Magistrate thereupon. Such countersignature shall be given, provided that the license is in force at the time.

Laborer recruited in the Mofussil shall appear before Magistrate for examination and registration.

XI. Every native inhabitant of India who shall, in any place within the said Provinces other than the Town of Calcutta, enter into any engagement with a Recruiter to proceed to the districts of Assam, Cachar, or Sylhet for the purpose of laboring for hire, shall, when called on by the Recruiter so to do, appear with the Recruiter before any Magistrate in the District within which the engagement was entered into. Upon so appearing, the Recruiter shall state to the Magistrate to what depot he intends that the laborer shall proceed, and the Magistrate shall thereupon examine the laborer with reference to his engagement, and if it appears that he comprehends the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Magistrate shall register the name of such laborer and the depôt to which it is intended he shall proceed, in a book to be kept for the purpose, in such form as the Lieutenant-Governor of Bengal shall prescribe: but if the Magistrate shall be of opinion that such person does not comprehend the nature of his engagement, or that he has been induced to enter into it by fraud or misrepresentation, he shall refuse to register the name of such person. An authentic copy of every registration made under this Section, shall be forthwith forwarded by the Magistrate to the Superintendent within the local limits of whose authority the depôt to which such registration relates is situated.

Copy of Register to be sent to the Superintendent.

Registration of laborers recruited in Calcutta.

XII. Every native inhabitant of India who shall, in the Town of Calcutta, enter into any engagement with a Recruiter to proceed to the Districts of Assam, Cachar, or Sylhet for the purpose of laboring there for hire, shall, within forty-eight hours of making such engagement, appear with the Recruiter before the Superintendent having authority in the said Town. Upon so appearing the Recruiter shall state to the Superintendent to what depôt he intends that the laborer shall proceed, and the Superintendent shall thereupon examine the laborer with reference to his engagement, and if it appears that he comprehends the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Superintendent shall register the name of such laborer and the depôt to which it is intended he shall proceed, in a book to be kept for the purpose, in such form as the Lieutenant-Governor of Bengal shall prescribe: but if the Superintendent shall be of opinion that such person does not comprehend the nature of his engagement, or that he has been induced to enter into it by fraud or misrepresentation, he shall refuse to register the name of such person.

Penalty for forwarding laborers or allowing them to go without being duly registered, &c.

XIII. Every Recruiter who shall forward or send any laborer from the district or Town in which he has entered into any engagement, or who shall induce or knowingly permit any laborer to leave such District or Town, for the purpose of proceeding to the districts of Assam, Cachar, or Sylhet without the laborer being duly registered as provided in Sections XI and XII of this Act, and every Recruiter who shall forward or send any laborer, or shall induce or knowingly permit any laborer to proceed to any depôt other than the depôt registered under those Sections, shall be liable to a fine not exceeding two hundred Rupees for every laborer so forwarded or sent, or induced or permitted, and in default of payment of such fine to imprisonment for a term not exceeding six months.

Laborer shall be accompanied to depot by Recruiter or person approved by Magistrate.

Recruiter to provide suitable food and lodging, &c.

XIV. The registered laborers engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey, either by the Recruiter himself, or by a competent person appointed by him with the approval of the Magistrate by whom the laborers may have been registered. Every Recruiter by or through whom laborers may be forwarded to a depôt, shall, throughout their journey, provide them with proper and suitable lodging and food. Whenever any such laborer shall not be so provided with lodging or food the Recruiter shall, whether he accompanied the laborers in person or not, be liable to a fine not exceeding two hundred Rupees, and in default of payment of such fine to imprisonment for a term not exceeding six months.

Contractor to give the Superintendent notice of arrival of laborers at depot.

Medical Inspector to inspect laborers on arrival.

If unable to proceed to Assam, &c., from bad health, Contractor to send laborer back to where he was registered.

XV. Every Contractor shall, within twenty-four hours after the arrival of any laborer at his depot, give to the Superintendent a notice in writing of such arrival, which notice shall be in such form, and shall contain such particulars as the Superintendent shall prescribe. Every laborer shall, as soon as may be after his arrival, be examined by the Medical Inspector, who shall give to the Superintendent a certificate of the state of health of every laborer examined.

XVI. If the Medical Inspector shall certify that any laborer is not in a state of health which warrants his proceeding to the Districts of Assam, Cachar, or Sylhet, for the purpose of laboring, the Superintendent shall either order the Contractor, in whose depot such laborer may be, forthwith to convey him back to the place at which he was registered, or shall order the Contractor to pay to the laborer such sum as shall to the Superintendent seem necessary to enable him to return there: and the Contractor if so ordered shall, without unreasonable delay, convey the laborer or cause him to be conveyed back to the place at which he was registered. On failure of the Contractor for twenty-four hours to comply with an order

of the Superintendent for the payment of such sum of money as aforesaid, it shall be lawful for the Superintendent to advance the same to the laborer, and every sum so advanced shall be recoverable by the Superintendent, with six per cent. interest from the date of advance, from the Contrctor on whose default it may be advanced, as money paid to the use of such Contractor: and no further proof shall be required by any Court in any such case than that the Superintendent gave the Contractor such order as aforesaid, and that the Contractor for a space of twenty-four hours made default in complying therewith. Provided always that any laborer who, from his state of health, is in the Medical Inspector's opinion, unfit to undertake the journey back to the place where he was registered, shall, in addition to his being conveyed back by or at the expense of the Contractor, be entitled to continue in the depot and to be fed, clothed, and lodged there by and at the expense of the Contractor until such time as the Superintendent shall order otherwise.

Superintendent to examine all laborers as to their treatment on their journey.

XVII. The Superintendent shall examine separately each laborer, as soon as possible after his arrival at a depot, as to the treatment that he has received on the journey to the depot: and in case it shall appear that any laborer has suffered any ill-treatment on the journey, the Superintendent may cause him to be removed from the depot. The Superintendent may thereupon order the Contractor, from whose depot the laborer is removed, to pay him such a sum of money as to the Superintendent shall seem necessary in order to enable the laborer to return to the place where he was registered: and on failure of the Contractor to pay such sum within twenty-four hours of his being ordered to do so the Superintendent may advance the amount to the laborer: and all the provisions of the last preceding Section as to sums advanced by the Superintendent shall be applicable, so far the circumstances of the case will permit, to advances made by him under this Section.

Every laborer to enter into a written contract to serve for some period not exceeding five years.

XVIII. It shall not be lawful for any laborer to be conveyed from any depot to the Districts of Assam, Cachar, or Sylhet, for the purpose of laboring there for hire, unless he shall have first, in the manner hereinafter provided, entered into a duly registered contract with some person to serve such person there for a fixed period, which shall in no case exceed the term of five years. Every such contract shall be reduced to writing, and shall specify the rate of wages the laborer is to receive, and shall contain such particulars, and be in such form as the Lieutenant-Governor of Bengal shall prescribe.

Contract to be explained by Superintendent and executed in duplicate, and abstract to be entered in a book by Superintendent.

XIX. Every contract entered into by a laborer shall, in the presence of the Superintendent, be signed in duplicate both by the laborer and by the person with whom he intends to contract or his Agent. Before the laborer signs the contract, the Superintendent shall personally explain it to him, and shall satisfy himself that the laborer fully understands all its details. The Superintendent shall attest every contract duly executed in his presence, and certify at the foot thereof that he has personally explained the same, and has satisfied himself as aforesaid. An abstract of every such contract shall be entered by the Superintendent in a Register to be kept by him for the purpose: and after such abstract has been so entered, one of the duplicates so duly signed and attested as hereinbefore provided shall be given to the laborer, and the other to the person with whom he has contracted, or his Agent.

Copy of abstract to be sent to Magistrate of District where service is to be performed.

XX. The Superintendent shall send by post a copy, authenticated under his hand, of every abstract entered by him as in the last preceding Section provided, to the Magistrate of the District in which the service is in such contract agreed to be performed. Every such copy shall be despatched by the Superintendent within seven days after the entry of the abstract. Every abstract and every such copy shall be receivable in evidence in any Court, whether Civil or Criminal, in lieu of the original contract.

Laborers whose contracts are duly executed and entered, may be despatched with consent of Superintendent.

XXI. Any laborers whose contracts shall have been executed and entered as hereinbefore provided, may be despatched from time to time to the Districts of Assam, Cachar, or Sylhet, by the Contractors in whose depôts they may be, or by the persons whom they may have agreed to serve respectively, but subject always to the provisions of this Act. No laborer shall be so despatched, unless the permission of the Superintendent shall have been first obtained, and the laborer shall have received a pass from the Superintendent as hereinafter mentioned.

Steamer or boat to be licensed to carry laborers.

XXII. It shall not be lawful for the Master of any steamer, or the manjee of any boat, without a license granted by the Superintendent within the local limits of whose authority a laborer may embark, to convey such laborer to the Districts of Assam, Cachar, or Sylhet. A fee, not exceeding four annas per laborer, (the amount of which fee shall from time to time be fixed by the Government of Bengal), shall be paid for every such license, which fee shall be carried to the credit of the said Government, and the granting or withholding any license shall be entirely discretionary with the Superintendent to whom application is made for the same. Every such license shall apply only to one voyage or trip to the Districts of Assam,

Cachar, or Sylhet, or any one or more of those Districts, and shall specify the number of laborers which the steamer or boat is licensed to carry: and the license shall also specify the number of persons (including the crew) other than laborers, whom the steamer or boat is licensed to carry.

Penalty for conveying laborers a steamer or boat without a license.

XXIII. The master of any steamer, or the Manjee of any boat in which any such laborer shall be conveyed without a license having been obtained as aforesaid, shall be liable to a fine not exceeding two hundred Rupees for every laborer so illegally conveyed, and in default of payment thereof to imprisonment for a term not exceeding six months.

Penalty for fraudulent acts, whereby a license becomes inapplicable to the altered state of the steamer or boat.

XXIV. If the Master of any steamer, or the Manjee of any boat shall, after having obtained a license as aforesaid, fraudulently do or suffer to be done any act or thing whereby such license shall become inapplicable to the then state of the steamer or boat, such Master or Manjee shall be liable to a fine not exceeding five hundred Rupees, and in default of payment thereof to imprisonment for a term not exceeding two months.

Penalty for taking on board greater number of passengers than specified in license.

XXV. The Master of any Steamer, or the Manjee of any boat licensed to carry laborers, who shall receive on board his steamer or boat a greater number of laborers, or a greater number of other persons, than is specified in his license, shall be liable to a fine not exceeding two hundred Rupees for every laborer and other person so received in excess of the licensed number, and in default of payment thereof to imprisonment for a term not exceeding six months.

Two children under ten to count as one person.

In computing under this Act the number of laborers or other persons on board of any steamer or boat, two children under the age of ten years shall be reckoned as one person only.

No laborer to be taken on board unless he has a pass signed by the Superintendent.

XXVI. It shall not be lawful for the Master of any steamer, or the Manjee of any boat, licensed as aforesaid, to take on board any such laborer as aforesaid, unless such laborer shall have in his possession, and shall shew, a pass given to him and signed by the Superintendent, stating his name and age, and the name of his father, and certifying the place of his destination.

No laborer to be allowed finally to leave steamer or boat, at any place other than that mentioned in his pass.

XXVII. It shall not be lawful for the Master of any steamer, or the Manjee of any boat, licensed as aforesaid, except in case of accident or unavoidable necessity to be immediately reported to the Superintendent by whom the license was granted, and to the Magistrate of the District in which such accident or necessity shall occur, to cause or permit any such laborer as aforesaid finally to leave such steamer or boat at any place other than that named as the destination of such laborer in the pass signed by the Superintendent.

Proviso.

No place shall be named in any such pass as the destination of any laborer, except a place which shall have been declared by the Lieutenant-Governor to be a place for the disembarkation of laborers under this Act. Provided always that this Section shall not be deemed to prevent the Master of any steamer, or the Manjee of any boat from permitting laborers to disembark at any place or places on the voyage, so long as such disembarkation is not intended or known to be likely to be permanent.

A list of the laborers on board to be delivered to Superintendent.

XXVIII Before any steamer or boat, licensed as aforesaid, shall commence its voyage for the districts of Assam, Cachar, Sylhet, the Master or Manjee thereof shall deliver to the Superintendent a list in duplicate, in a form to be prescribed by the Lieutenant-Governor of Bengal, specifying, as accurately as may be, the names, ages, occupations, and destinations of all and every the laborers on board such steamer or boat. The Superintendent shall keep one of the said lists, and shall sign the other (if it be in his opinion correct) and deliver it back to the Master or Manjee.

Penalty for afterwards taking on board laborers not entered in list.

If the Master of any steamer, or the Manjee of any boat shall, after having commenced his voyage, or after having delivered such list to the Superintendent, take on board any laborer whose name shall not have been entered in the list aforesaid, he shall be liable to a fine not exceeding two hundred Rupees for every laborer so illegally taken, and in default of payment thereof to imprisonment for a term not exceeding six months.

Notice to be given and list delivered to Magistrate or Officer appointed by him immediately on arrival of steamer or boat at place of destination.

XXIX. The Master of any steamer, or the manjee of any boat, licensed as aforesaid, having laborers on board, shall immediately on the arrival of the steamer or boat at the place of destination, and previously to the disembarkation of any of the laborers, give notice of his arrival to the nearest Magistrate or such Officer as shall be appointed by such Magistrate in that behalf, and shall deliver to him the list in the last preceding Section mentioned.

Laborers to be landed under supervision of Magistrate, &c.

XXX. The laborers shall thereupon be landed under the supervision of the Magistrate or other Officer aforesaid, who shall make such provision as he may consider necessary for the reception of the laborers and for their food, lodging, and clothing while they remain in the place or station at which they may have disembarked.

Magistrate may require Surgeon to inspect laborers and make a report.

XXXI. The Magistrate or other Officer aforesaid may cause the laborers to be inspected by the Civil Surgeon of the Station, or other qualified Medical Officer. It shall be the duty of such Civil Surgeon, or other Medical Officer to make such

inspection when called on by the Magistrate or other Officer aforesaid so to do, and after making such inspection, he shall prepare and sign a report in which he shall certify as to the state of health and general condition of every laborer inspected.

Magistrate, &c., to forward a report to Superintendent.

XXXII. The Magistrate or other Officer aforesaid shall despatch without delay, to the Superintendent by whose permission they were forwarded, a detailed report of the number of laborers who may have arrived, together with a copy of the report (if any) of the Civil Surgeon or other Medical Officer as to their state of health and general condition, and any observations which such Civil Surgeon or other Medical Officer, or such Magistrate or other Officer aforesaid, may think fit to make.

Magistrate, &c., to give notice to the persons importing laborers of their arrival.

XXXIII. On the arrival of any laborers at the place of disembarkation, the Magistrate or other Officer aforesaid shall at once give notice of their arrival to the persons with whom they shall be under contract to labor, or to the Agents of such persons, who shall forthwith take charge of the laborers with whom they may have contracted respectively, and shall, in such manner as shall be approved of by the Magistrate or other Officer aforesaid, provide for their proceeding or being conveyed to the place of their final destination. It shall be the duty of the Magistrate, or other officer aforesaid, to see, so far as is possible, that reasonable provision is made for the support and lodging of the laborers from the time of their disembarkation till they reach their final destination, and if the persons with whom they may have contracted shall fail to make such reasonable provision, the Magistrate or other Officer aforesaid may order such arrangements to be made, and incur such expenses, as under the circumstances may seem to him necessary: and the amount of such expenses, as also any expenses incurred by him in the disembarkation or in respect of the food, lodging, or clothing of the laborers, or of any of them, shall, with interest at the rate of six per cent., be recoverable by the Magistrate or other Officer aforesaid from the persons with whom the laborers, in respect of whom the expenses have been incurred, may have contracted, as money paid to their use.

If proper means are not provided for conveyance of laborers to place of final destination, Magistrate, &c., to make arrangements and incur necessary expenses.

Such expenses how to be recovered.

Superintendent to prescribe the quantity of provision to be carried on the steamer or boat.

And the number of Medical and other Officers.

XXXIV. There shall be laden, under the supervision of the Superintendent, on board of every steamer or boat carrying laborers to the districts of Assam, Cachar, or Sylhet, at the time of the embarkation of such laborers, good and wholesome provisions for the consumption of the said laborers to the amount or in the proportion which shall be prescribed by the Superintendent. And it shall not be lawful for the Master of the Steamer, or the Manjee of the boat to commence the voyage without having on board such provisions as aforesaid, or without having on board such Medical and other Officers, Cooks, and other attendants, as the Superintendent shall order: and every Contractor or other person by whom or on whose account laborers are despatched to any of the said Districts, shall at his own expense provide such Medical and other Officers, Cooks, and other attendants as shall be in each case ordered by the Superintendent.

Provisions of Sections XIV, XXX, XXXI, XXXII, and XXXIV to apply to children &c., accompanying laborers.

XXXV. The provisions with regard to registered laborers contained in Sections XIV, XXX, XXXI, XXXII, and XXXIV of this Act, shall be applicable to such children and aged relatives of the laborers as may, with the consent of a Contractor or Recruiter, and with the written permission of the registering Magistrate or Superintendent, accompany them.

Proportion of females to be carried on steamer or boat.

XXXVI. The Superintendent may refuse to grant passes to any laborers, if the party to which they belong, or with whom it is intended to forward them shall not consist of, or be accompanied by, females above the age of twelve years in such proportion as the Lieutenant-Governor of Bengal shall from time to time direct: provided always that the proportion shall never be less than one female to every four males. And it shall not be lawful for any Master of a steamer, or any Manjee of a boat to convey, except by the express permission in writing of the Superintendent, any party of laborers (whether registered or not) which shall not contain or be accompanied by such proportion of females as shall be directed by the Lieutenant Governor of Bengal as aforesaid.

Magistrate of a District may board and inspect steamer or boat.

XXXVII. It shall be lawful for the Magistrate of any District, through which a steamer or boat having laborers on board shall be passing, to go on board such steamer or boat, and to inspect the same or any part thereof, and the Master and Officers of such steamer; and the Manjee of such boat shall be bound to afford to the Magistrate all reasonable facility for such inspection, and to give him all such information respecting such steamer or boat and her equipments, or respecting the laborers or other persons on board thereof, as may be reasonably required by the Magistrate.

Magistrate shall report to Superintendent if after boarding he find provisions of Act not complied with.

XXXVIII. In any case in which, on making such inspection as in the last preceding Section provided for, the Magistrate shall find that any of the provisions of this Act have not been complied with, he shall report the same to the Superintendent by whom the license to carry the laborers was granted to such steamer or boat; and if the circumstances of the case are such as in the Magistrate's opinion make it necessary to do so, he may detain the said steamer or boat

until the provisions of this Act have been complied with, so far as to make it possible for the voyage to be proceeded on with safety and reasonable comfort to the laborers.

And may detain steamer or boat if necessary.

XXXIX. If violent sickness or disease shall exist among laborers while passing through any District, whether by land or by water, on their journey either to a depôt or to the Districts of Assam, Cachar, or Sylhet, it shall be lawful for the Magistrate of such District, if after taking the opinion of the Civil Surgeon, or other qualified Medical Officer, he shall think it advisable so to do, to stop the laborers and detain them until such time as they shall be able to proceed with safety. In any case in which laborers are detained as aforesaid by a Magistrate, he shall cause all necessary arrangements to be made for their accommodation and welfare, and all expenses incurred by him in so doing shall be recoverable with six per cent. interest from the Contractor by whom, or to whose depôt the laborers are despatched, as money paid to the use of such Contractor.

Magistrate may, after consulting a Medical Officer, stop laborers on voyage, if violent sickness exist among them.

XL. The provisions of this Act shall not apply to domestic servants, or to any laborer proceeding alone or accompanied by his family only, to the Districts of Assam, Cachar, or Sylhet, or to any number of laborers less than ten proceeding there together, without the intervention, direct or indirect, of a Recruiter, or of a Contractor.

Act not to apply to domestic servants or to laborers proceeding alone.

XLI. It is hereby declared that it shall not be lawful for any person, with whom a laborer has entered into a contract duly executed in the presence of the Superintendent as provided in Section XIX of this Act, to make any deduction whatever, from the amount of wages which by such contract is made payable to the laborer, for or on account of the expenses incurred in engaging such laborer, or otherwise incurred in respect of him prior to his reaching his final destination.

No deduction to be made from the wages mentioned in the attested contract.

XLII. For every offence against the provisions of this Act for which no special penalty is hereinbefore appointed, the offender shall be liable to a fine not not exceeding two hundred Rupees, and in default of payment thereof to imprisonment, for a term not exceeding one month.

Penalty for any offence not specially provided for.

XLIII. All fines imposed by this Act may be recovered, if for offences not committed within the local limits of the Town of Calcutta, in the manner prescribed for the recovery of fines by Section LXI of the Code of Criminal Procedure, and if for offences commited within those limits, in the manner prescribed for the recovery of penalties by Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*) and Act XLVIII of 1860 (*to amend Act XIII of* 1856) or any other Act for regulating the Police of the Town of Calcutta, in force for the time being.

Penalties in what Court recoverable.

XLIV. It shall be lawful for the Lieutenant Governor of Bengal, by Notification in the *Calcutta Gazette*, to declare that this Act shall have effect (subject to any restriction, limitation, or proviso which the Lieutenant-Governor may think proper) as to laborers proceeding to any other District of Bengal besides the Districts of Assam, Cachar, and Sylhet, and thenceforth all the rules and provisions of this Act shall (subject to such restriction, limitation, or proviso, if any, as aforesaid) be applicable to the engagement and transport of all laborers proceeding to such other District.

Government of Bengal may extend the operation of this Act to laborers going to other District beside Assam, &c.

XLV. The following words in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say)—

Interpretation.

The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any Magistrate or other Officer exercising any of the powers of a Magistrate.

"Magistrate."

The word "Contractor" in this Act shall be taken to mean, as well a person who contracts for the supply of laborers to others, as a person who employs Recruiters to engage and supply laborers for the purpose of serving such person himself.

"Contractor."

The word "laborer" shall include artisans and mechanics.

"Laborers."

The word "Steamer" shall include any vessel propelled by steam, and any flat or barge towed by a steamer.

"Steamer."

The word "India" shall mean any of the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic., chap. 106, entitled "An Act for the better Government of India."

"India."

Words importing the singular number, shall include the plural number, and words importing the plural number, shall include the singular number.

Number.

Words importing the masculine gender, shall include the feminine Gender.

Gender.

SCHEDULE A.—*(referred to in Section IV.)*

CONTRACTOR'S LICENSE.

Office of the Superintendent of labor Transport at

A. B. Is hereby licensed to act, within the local limits of my authority, as a Contractor for engaging and supplying persons for the purpose of laboring for hire in the Districts of Assam, Cachar, and Sylhet,—under Act III of 1863 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

This License will be in force for one year only from this date.

Dated the day of

(Sd.) C. D.,
Superintendent of Labor Transport.

SCHEDULE B.—*(referred to in Section VIII)*

RECRUITER'S LICENSE.

Office of the Superintendent of Labor Transport at

A. B. is hereby licensed to act on behalf of E. F. as a Recruiter for engaging or inducing persons to proceed to the Districts of Assam, Cachar, and Sylhet, for hire,—under Act III of 1863 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations,

This license will be in force for one year only from this date.

Dated the day of

(Sd.) C. D.,
Superintendent of Labor Transport.

ACT No. IV OF 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 24th March 1863, and of the Governor General on the 13th April 1863.)

An Act to amend Act XXII of 1860 (to remove Certain tracts on the Eastern border of the Chittagong District from the jurisdiction of the tribunals established under the general Regulations and Acts.)

1. *This Act to be read with Act XXII of 1860, the Schedule to which is hereby repealed.*

Preamble.

WHEREAS by Act XXII of 1860 certain tracts on the Eastern border of the Chittagong District, described in the Schedule to the said Act, were removed from the jurisdiction of the tribunals established under the general Regulations and Acts; and whereas it is expedient to make certain alterations in respect to the tracts so removed; It is enacted as follows:—

This Act to be read with Act XXII of 1860, the Schedule to which is hereby repealed.

I. The Schedule annexed to Act XXII of 1860 is hereby repealed, except as to any proceedings pending at the time of the passing of this Act: and all the provisions of the said Act, applicable to the tracts described in the said Schedule, shall be applicable to, and shall have effect in, the tracts described in the Schedule to this Act annexed, which shall be read with and taken as part of the said Act XXII of 1860.

SCHEDULE.

The boundary of the tracts referred to in this Act and to which the provisions of Act XXII of 1860 shall be applicable, shall be understood generally to run to the

eastward of the surveyed area of the villages situated on the Eastern frontier of the Chittagong District, as surveyed and mapped in the course of the Revenue Survey of that District, and shall be more particularly taken to be indicated as follows:—

As respects Thannah Futtickcherree, all the country lying east of the villages Ramghur, Joozkola, Hapuneah, Fuckeerachung, Kunchunpoor, and Goomareetulla.

As respects Thannah Hathezaree, all the country lying east of Mugkatta, Radhamadhebpoor, and other surveyed villages of this Thannah, and of a line drawn from the south-eastern boundary to Gogra in Faree Rungunneah.

As respects Faree Rungunneah, all the country lying to the east of Gogra, Nichintapoor, Kodala, Puddooa, Dood-Pookereah and other surveyed villages of this Faree, situated on both sides of the Kurnafoolee River.

As respects Thannah Putteah, all the country lying east of the surveyed villages of this Thannah, that it is to say, lying east of a line drawn from the eastern surveyed boundary of Dood-Pookereah in Faree Rungunneah, down to the eastern surveyed boundary of the village Doobacherree lying north of the River Sunkoo.

As respects Thannah Sutkeneah, all the country lying east of Pooranghur, Burdooara, Andar Manik, Rajbarree, and other surveyed villages of this Thannah.

As respects Thannah Chuckereah, all the country lying eastward of a line drawn from the village Rajbarree in Thannah Tulkuneah, to the surveyed villages Boonoo and Bilcherrie on the Moree River in Thannah Chuckereah, and also all the country lying eastward of the surveyed villages of this Thannah between Bilcherrie and Pagulabeel.

As respects Thannah Ramoo, all the country lying east of a line drawn from Pagulabeel in Thannah Chuckereah, to Edghur, Gurjamah, and Kutcheppeah in Thannah Ramoo.

As respects Thannah Teknaaf, all the country lying east of a line drawn from Kucheppeah in Thannah Ramoo, to Pagulabeel, Rutnapalong, Oalleapalong, and Ookia Ghât, as well as all to the east of the Naaf River.

ACT No. V OF 1863.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 29th April 1863, and of the Governor-General on the 23rd May 1863.)

An Act to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts.

1. *Laws repealed.*
2. *Number of Peons for each Court by whom to be fixed.*
3. *Appointment and registration of Peons.*
4. *None but registered Peons to be employed without special leave of Court.*
5. *Peons to be furnished with uniform belt and plate.*
6. *Remuneration Peons.*
7. *Rates of serving or executing process.*
8. *Process to be endorsed by Nazir or Clerk.*
9. *Disposal of money paid for the issue or execution of process.*
10. *Moneys received into and paid out of Court, to be duly accounted for.*
11. *Construction of process.*
12. *Interpretation of the term "Judge."*

Preamble.

WHEREAS it is expedient to amend the law relating to the employment and remuneration of Peons for the service and execution of the process of the Civil and Revenue Courts of the Provinces subject to the Government of Bengal; It is enacted as follows:

Laws repealed.

I. Section XIV of Regulation XXVI. 1814 (*for modifying some of the Rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits; for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees and regular suits and appeals; and for explaining and making certain additions to the provisions of Regulation I.* 1814), Section V of Regulation VII. 1832 (*for modifying certain of the provisions of Regulation I.* 1831, *and for providing supplementary Rules to that enactment*), and Act XIV of 1845 (*to*

provide for the appointment of Nazirs in the Moonsiff's Courts)—are hereby repealed, so far as the same relate to, or have effect in, the Provinces subject to the Government of Bengal, respectively.

Number of Peons for each Court by whom to be fixed.

II. Subject to the general instructions and approval of the Government of Bengal, Judges of the several Zillah Courts, Collectors' Courts, and Courts of Small Causes, in the said Provinces, shall, as soon as conveniently may be after the passing of this Act, fix the number of Peons necessary to be employed for the services and execution of processes issued out of such Courts, respectively; and the Judge of every Court subordinate to a Zillah Court, or to a Collector, shall, subject as aforesaid and to the approval of the Zillah Judge or Collector to whom he is subordinate, fix the number of Peons necessary for the service and execution of processes issued out of the Court in which he presides; and the number of Peons so fixed shall be appointed for such Zillah Courts, Collectors' Courts, Small Cause Courts, and Subordinate Courts, respectively.

Appointment and registration of Peons.

III. The appointment of Peons under the last preceding Section shall be made, subject to the approval of the Judge of the Court, by the Nazir of the Court in which the Peons are employed, or in the case of a Small Cause Court by the Clerk of the Court, where there is such an Officer; every such appointment shall be registered in the Court with the name of the Peon, his age, his place of abode, his father's name, and date of appointment.

None but registered Peons to be employed without special leave of Court.

IV. No person who shall not be appointed and registered as a Peon in the manner hereinbefore provided, shall be employed in the service or execution of the process of any Court without the special leave of such Court. The Court granting such special leave shall record its reasons for so doing.

Peons to be furnished with uniform belt and plate.

V. The Peons who are appointed and registered in the manner above prescribed, shall be furnished, at the expense of the Government of Bengal, with a uniform belt and plate, on which shall be inscribed the Court to which the Peon belongs, and the number of the Peon in the register.

Remuneration of Peons.

VI. The Peons appointed and registered under this Act shall either receive fixed salaries, or be remunerated by fees, as the Government of Bengal shall direct. The amount of salary shall be from time to time fixed by the said Government.

Rates of serving or executing process.

VII. The cost of serving or executing the process of the several Courts, shall, subject to the approval of the Government of Bengal, be fixed by the Judge and Collector of each District, respectively, with due regard to the distance at which service or execution is to take place from the Court whence the process is issued. A Table in the English and Vernacular languages, shewing the amount chargeable for such service and execution, shall be exposed to view in a conspicuous part of each Court.

Process to be endorsed by Nazir or Clerk.

VIII. On every process issued for service or execution by any Peon appointed under this Act, there shall be endorsed the name of the Peon deputed to serve or execute the same, the period within which the Peon is required to certify service or execution, the amount payable for the service or execution of the process, and the date of payment, and such endorsement shall be signed by the Nazir or Clerk of the Court.

Disposal of money paid for the issue or execution of process.

IX. The money paid under this Act for the service or execution of processes shall be carried to the credit of the Government of Bengal, and shall be formed into a fund out of which the salaries or fees of the Peons appointed under this Act shall be paid. Any surplus that may accrue from such fund, after paying the salaries or fees of the Peons, shall be disposed of by the Government of Bengal, in such manner as shall to the said Government seem proper.

Moneys received into and Paid out of Court, to be duly accounted for.

X. A regular account of all moneys received into and paid out of Court under this Act shall be kept, and extracts from this account shall be forwarded to the Government of Bengal, at such times, and in such form, as such Government shall direct.

Construction of process.

XI. Every process issuing out of a Civil Court and served or executed under this Act, shall be held to be a process within the meaning of Section 188 of the Code of Civil Procedure and Section 2 of Act XXIII of 1861.

Interpretation of the term "Judge."

XII. The "term Judge" in this Act shall denote the Presiding Officer in every Court of Civil Judicature, and in every Revenue Court, by whatever title he shall be designated.

THE CALCUTTA MUNICIPAL ACT.

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ACT NO. VI OF 1863. *

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 18th May 1863, and of the Governor-General on the 12th June 1863.)

An Act to vest the property of the Town of Calcutta, and the management of its Municipal affairs, in a Corporation, and to make better provision for the Conservancy and improvement of the town, and for the levying of rates and taxes therein.

Preamble.

WHEREAS it is expedient to vest the property of the Town of Calcutta, and the management of its Municipal affairs, in a Corporation, and to make better provision for the Conservancy and Improvement of the Town, and for the levying of rates and taxes therein: It is enacted as follows:

Laws repealed.

I. Act XIV of 1856 *(for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay)* and Act XXV of 1856 *(to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes, in the Towns of Calcutta, Madras, and Bombay)*, so far as they relate to the Town of Calcutta; and Act XXVIII of 1856 *(for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta)*—are hereby repealed respectively, except so far as they repeal the whole, or any part, of any other Act, and except as to any assessment which shall have been made, or to any Act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any money which shall have become due, or to any proceedings which shall have been commenced, before this Act shall come into operation. Any sum of money due, or which may become due, under any or either of the said Acts, may be levied and recovered by the Justices under the provisions of this Act.

Interpretation.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

"Town."

The word "Town" shall include all places within the local limits of the ordinary original civil jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

"The Justices."

The expression "The Justices" shall mean the Corporation of "The Justices of the Peace for the Town of Calcutta."

"Street."

The word "Street" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the road-way over any public bridge or causeway, within the Town.

"Land."

The word "Land" shall include messuages, buildings, tenements, and hereditaments of any tenure.

"Month."

The word "month" shall mean calendar month.

"Oath."

The word "oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Owner."

The word "owner" shall mean the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account, or as agent, or trustee, for any other person, or who would so receive the same if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person, shall be liable to do any thing by this Act required to be done by the owner of such land or premises, unless he have sufficient funds of the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

"Person."

The word 'person" shall include any association or body of persons, whether incorporated or not.

Number.

Words importing the singular number shall incude the plural number; and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include the feminine

The Justices of the Peace for the time being in Calcutta, to be a Corporation for the purposes of this Act.

III. All Justices of the Peace for Bengal, Behar, and Orissa resident in the Town of Calcutta, and all Justices of the Peace for the Town of Calcutta, shall, by the name of "The Justices of the Peace for the Town of Calcutta," be a body cor-

* Acts IX. 1865; VI. 1866; I. 1867; Act IX. 1867; XI. 1867; and V. 1868 of the Bengal Council are to be read with and taken as parts of this Act.

porate and have perpetual succession and a common seal, and by such name shall sue and be sued.

All the property and rights of action of the Municipal Commissioners, vested in the Justices.

IV. All lands, buildings, works, and hereditaments, utensils materials, books, plans, maps, papers effects, monies, securities, and other property, moveable and immoveable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder, which shall, on the 1st day of July 1863, be vested in, or held in trust for, the Municipal Commissioners appointed under the said Act XXVIII of 1856, or which would have been vested in, or held in trust for, such Municipal Commissioners but for the passing of this Act, and all such estate and interest of and in the same respectively, as shall then be or would have been vested in, or in trust for, the said Municipal Commissioners or any of them, with all rights of way and other rights and easements now used and enjoyed by the said Municipal Commissioners shall, on and from the date when this Act comes into operation, be vested in the Justices; and all persons who shall then owe any money to the said Municipal Commissioners, or to any person on behalf of the Municipal Commissioners, shall pay the same to the Justices or as they shall direct: and all monies which shall be then due and owing by, or recoverable from, the Municipal Commissioners, shall be paid by, or recoverable from, the Justices: and all contracts, agreements, mortgages, bonds, covenants, and securities, made or entered into before this Act comes into operation, to, with, or in favour of, or by or for, the said Municipal Commissioners, or any previous Municipal Commissioners for the Town of Calcutta, or any of them, or any person on behalf of such Municipal Commissioners, respectively, and all rights of action and suit arising out of contract or otherwise, shall take effect, and may be proceeded on and enforced, as near as circumstances will admit, in favour of, by, against, and with reference to, the Justices, in such manner as the same would have taken effect, and might have been proceeded on and enforced, in favour of, by, against, and with reference to, the said Municipal Commissioners respectively, or any of them, if this Act had not been passed.

Actions, &c., by or against Municipal Commissioners not to abate &c.

V. No action, suit, prosecution, or other proceeding whatsoever, commenced or carried on either by or against the said Municipal Commissioners previously to the coming of this Act into operation, shall abate or be discontinued or prejudicially affected by this Act, but shall continue and take effect, both in favor of and against the Justices, in the same manner in all respects as the same would have continued and taken effect in relation to the said Municipal Commissioners, or any of them, if this Act had not been passed: and all decrees and orders made, and all fines and penalties imposed and incurred, respectively, previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings, commenced previously to the coming into operation of this Act, shall and may be continued, proceeded with, and completed, in such or the like manner as if this Act had not been passed, the Justices being, in reference to the matters aforesaid, in all respects substituted in the place of the said Municipal Commissioners.

What shall constitute the Municipal fund.

VI. All monies received by the Justices by virtue of this or any other Act, all fines, fees, and penalties, paid to or levied by them, under this Act, and all monies which may be assigned by Government for purposes of Conservancy or Improvement in the Town, shall consitute a fund, which shall be called the Municipal Fund of Calcutta, and shall, together with all property of what nature or kind soever which may become vested in the Justices, be under the direction, management, and control of the Justices, in the manner hereinafter provided, and shall be held and applied by them as Trustees for the purposes of this Act.

Appointment and removal of Chairman of the Justices.

VII. The Lieutenant-Governor of Bengal shall, from time to time, appoint one of the said Justices of the Peace to be Chairman of the Justices. Such Chairman shall be removable from Office by the Lieutenant-Governor, if his removal be recommended by a Resolution in favor of which not less than two-thirds of the Justices of the Peace present at a Special General Meeting of the Justices shall have voted, but not otherwise.

Nomination and appointment of Vice Chairman.

VIII. The Justices at a Special General Meeting, to be held within fifteen days from the date of the first appointment of a Chairman, shall nominate a proper person to be Vice-Chairman of the Justices. Such nomination shall be subject to the approval of the Lieutenant-Governor of Bengal; but when such approval shall have been duly notified to the Justices, the appointment shall be made by them. In the event of any nomination made by the Justices not being approved of by the Lieutenant-Governor, or of any vacancy occurring in the Office of Vice-Chairman, the Justices shall forthwith proceed, at a Special General Meeting, to make a fresh nomination and appointment, subject to the approval of the Lieutenant-Governor of Bengal, and so on from time to time. Provided tha

no person shall be appointed to the office of Vice-Chairman, who is not at the time of appointment a Justice of the Peace.

Appointment of Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor.

IX. It shall be lawful for the Justices at a Special General Meeting, from time to time, to appoint proper persons to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor, for the Town of Calcutta. Every person so appointed, and the Vice-Chairman, shall be in all things under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and shall be removeable by the Justices by a Resolution in favor of which not less than two-thirds of the Justices of the Peace present at a Special General Meeting shall have voted.

Chairman and Vice-Chairman to reside in Calcutta, and not to engage in any other profession or trade.

Proviso.

X. The Chairman and Vice-Chairman shall respectively reside within the Town of Calcutta, and shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have, or engage in, any other profession, trade, or business whatsoever: Provided that nothing in this Act shall be deemed to prevent any Civil or Military Officer in the service of Government, from holding the office of Chairman or Vice-Chairman, so long as such Officer shall fill no other appointment: Provided further that it shall be lawful for any Chairman to hold also the office of Commissioner of Police for the Town of Calcutta, if he shall be appointed to such office by the Lieutenant-Governor of Bengal.

Allowances of Chairman and Vice-Chairman.

XI. The Chairman and the Vice-Chairman, respectively, may receive such allowances out of the Municipal Fund, as shall be from time to time fixed by the Justices at a Special General Meeting: Provided that such allowance for any Chairman shall not exceed the rate of three thousand Rupees a month (exclusive of house rent, which may or may not, at the discretion of the Justices, be also allowed): and provided that such allowance for any Vice-Chairman shall not exceed the rate of twelve hundred Rupees a month.

Salaries of Secretary, Engineer, &c.

XII. Every Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes and Assessor, appointed as hereinbefore provided, may receive such allowance, out of the Municipal Fund, as shall be from time to time fixed by the Justices at a Special General Meeting.

Appointment and remuneration of Overseers, Clerks, and Subordinate Officers.

Proviso.

XIII. The Chairman may from time to time appoint all such Overseers, Clerks, and Subordinate Officers, and servants, as he shall think necessary and proper to assist in the execution of this Act, and may, from time to time, remove any of such persons and appoint others in their place; and out of the Municipal Fund he may, with the sanction of the Justices at a Special General Meeting, pay such allowances to the said persons respectively, or in case of absence on leave such portion thereof, as he shall think reasonable. Provided that no person shall be appointed to, or removed from, any office the monthly salary of which exceeds two hundred Rupees, without the sanction of the Justices at a Meeting.

Officers under Municipal Commissioners to continue until removed.

XIV. Every overseer, Clerk and other Officer appointed by, or acting under the authority of, the Municipal Commissioners under Act XXVIII of 1856, and not acting contrary to the provisions of this Act, shall hold and enjoy his office and employment, together with the salary or emolument thereunto annexed, until he shall be removed therefrom by the Chairman or by the Justices at a Meeting. Every such Overseer, Clerk, and Officer shall have the like power and authority for the purposes of this Act, and for carrying the same into execution, and shall be subject and liable to the like pains and penalties, and to the like power of removal, in all respects as if he had been appointed by virtue of this Act.

Justices to grant leave of absence, &c., with sanction of Government.

XV. It shall be lawful for the Justices at a Special Meeting, with the sanction of the Lieutenant-Governor of Bengal, to grant such leave of absence to any Chairman or any Officer appointed under Sections VIII and IX of this Act, and, in the case of any Officer appointed under either of those Sections, to make such arrangements for the carrying on the duties of his office during his absence on leave, as shall to them seem proper. In any case in which leave of absence shall be granted to the Chairman, the Lieutenant-Governor of Bengal shall appoint one of the Justices of the Peace to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office, as shall to him seem proper. Any person appointed under this Section to act for the Chairman or any other Officer, shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other Officer for whom he may be appointed to act, would under this Act, have or be liable to.

Allowances during absence on leave.

Proviso.

XVI. In any case in which leave of absence shall be granted under the last preceding Section, the Justices may at a Special Meeting, with sanction of the Lieutenant-Governor of Bengal, out of the Municipal Fund, pay to any Chairman or other Officer aforesaid such allowance, during absence on leave, as shall to them seem proper. Provided that no greater expenditure from the Municipal Fund shall be in any case incurred in the whole, by reason of any such allowance, or of

any allowance paid under Section XIII, than would have been incurred had no leave been granted.

Penalty on Officers, &c., being interested in contracts &c.

XVII. *Clause* 1.—No Chairman or Vice-Chairman, or other Officer, or servant, of the Justices, shall be in any wise concerned, or interested, in any contract or work, made with, or executed for, the Justices; and if any such Chairman or Vice-Chairman, or other Officer, or servant, be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment under the Justices, and shall forfeit and pay the sum of five hundred Rupees, which may be recovered by suit, by any person, with full costs of suit. Provided that no person, being a shareholder of any Joint Stock Company established by, or under the provisions of, any Act of Parliament, or of the Government of India, or by Charter, shall be prevented from being employed as a Chairman, Vice-Chairman, or other Officer, or servant, by reason of any contract between such Company and the Justices, or of any work executed by such Company.

Penalty on Officers &c. taking unauthorised fees.

Clause 2.—If any person employed under this Act, not being a public servant within the meaning of Section 21 of the Indian Penal Code, shall accept or obtain, or agree to accept, or attempt to obtain, from any person, for himself, or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor, to any person, or for rendering or attempting to render any service or disservice to any person, with the Justices, or with any public servant, or with the Government, as such, he shall be punished with imprisonment, either simple or rigorous, for a term which may extend to three years, or with a fine not exceeding five thousand Rupees, or with both.

Justices to provide an Office, and keep a book for entry of complaints.

XVIII. The Justices shall provide and keep an Office within the Town, and shall at such Office, and during all days of business, keep open a book in which shall be entered all reasonable complaints, made, orally or by letter, by any inhabitant or the owner or occupier of any house, building, or land within the Town, of any matter cognizable by the Justices; and the proper Officer of the Justices shall forthwith enquire into the truth of all such complaints, and report thereon to the Justices; and such report shall be entered in the said book; and such book shall be open, at all reasonable times, to any inhabitant or owner or occupier of land within the limits of the Town.

XIX. Repealed by Act VI. 1866 of the Bengal Council.

Special, and Special General, Meetings may be called.

XX. The Chairman, or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall upon a requisition made in writing by any ten Justices of the Peace, call a Special, or Special General Meeting of the Justices. Previous to any such Meeting being held, at least seven days' clear notice, specifying the time and place of such intended Meeting, and the purpose for which it is to be held, shall be given by advertisement in the English and Bengallee Government Gazettes, and in at least two of the daily English Newspapers, and in two Vernacular Newspapers, published in Calcutta.

What business to be transacted at Special, and Special General, Meetings.

XXI. No business shall be brought before or transacted at any Special, or Special General, Meeting, other than the business specified in the notice given under the last preceding Section: Provided always that any Justice of the Peace may submit to a Special, or Special General, Meeting, any Resolution, beyond the matters mentioned in the notice given of such Meeting, if he shall have given not less than three days' previous notice of his intention so to do, by leaving a copy of the Resolution at the Office of the Justices.

All questions to be decided at Meetings by majority of votes.

XXII. All acts authorized or required to be done by the Justices, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done, and decided by, a majority of the Justices of the Peace present at any Ordinary or Quarterly Meeting, before which the matter may be brought.

Who to preside at Meetings of the Justices.

XXIII. The Chairman and Vice-Chairman shall attend all Meetings of the Justices held under this Act, unless prevented by sickness or other reasonable cause; and the Chairman, or, in his absence, the Vice-Chairman, shall preside at every such Meeting, and shall have a second, or casting, vote in all cases of equality of votes. In the absence of both the Chairman and Vice-Chairman, the Justices of the Peace present at any Meeting shall choose some one of their number to preside. The President of any Meeting at which a quorum of the Justices of the Peace shall be present, may, with the consent of the Meeting, adjourn the Meeting from time to time and from place to place; but no business shall be transacted at any adjourned Meeting, other than the business left unfinished at the Meeting from which such adjournment took place.

What shall constitute a quorum.

XXIV. No business shall be transacted at any Meeting unless a quorum of Justices of the Peace be present; that is to say, at any Ordinary Meeting unless

at least three Justices of the Peace be present, at a Special Meeting unless at least seven Justices of the Peace be present, and at a Special General, or Quarterly, Meeting, unless at least twenty-five Justices of the Peace be present; Provided always that, if at any Meeting of the Justices there shall not be a sufficient number of Justices of the Peace present to form a quorum, the President (whether he be the Chairman, or not) shall adjourn the Meeting to such convenient time and place as he shall think fit; and the business which would have been brought before the original Meeting had there been a quorum present, shall be brought before, and disposed of by, the adjourned Meeting in the usual manner, whether there be a quorum of Justices of the Peace present at such adjourned Meeting, or not.

Minutes of Proceedings of Justices to be kept, and to be open for inspection.

XXV. Minutes of the Proceedings of all Meetings of the Justices shall be drawn up, and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each Meeting; and the said Minutes shall at all reasonable times, be open at the Office of the Justices to the inspection of any Justice of the Peace without charge, and of any other person on payment of a fee of eight annas.

Declaration of President that a Resolution has been carried, sufficient, unless poll be demanded.

XXVI. At any Special General, or Quarterly, Meeting, unless a poll be demanded by at least five Justices of the Peace, and at any Special, or Ordinary, Meeting, unless a poll be demanded by at least three Justices of the Peace, a declaration by the President that a Resolution has been carried, and an entry to that effect in the Book of Proceedings of the Justices, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, such Resolution.

Poll how to be taken.

XXVII. If a poll be demanded as in the last preceding Section mentioned, or be taken at any Meeting of what kind soever, the votes of the Justices of the Peace present shall be taken by the President, each being called on to vote in order of seniority on the roll of the Justices of the Peace, and the result of such poll shall be deemed to be the Resolution of the Justices at such Meeting.

Chairman or Vice-Chairman to attend daily for the transaction of business, and to exercise the powers of the Justices.

XXVIII. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by Government, attend daily at the Office of the Justices for the transaction of business connected with or arising under this Act, and, when so attending, shall have all the powers vested by this Act in the Justices; and they may, respectively, exercise the like powers at all times in carrying out the orders of the Justices, or in executing any works sanctioned by them, and generally in the management of the business aforesaid. Provided that it shall not be lawful for the Chairman or vice-Chairman to act in opposition to, or contravention of, any order of the Justices, or to exercise any power which it is by this Act expressly declared shall be exercised only by the Justices at a Meeting.

Mode of contracting by, and on behalf of, the Justices.

XXIX. The Justices may enter into all such contracts as may be necessary for carrying this Act into execution. The Chairman or the Vice-Chairman may, for and on behalf of the Justices, enter into any such contract whereof the value or amount shall not exceed five hundred Rupees: but every such contract, whereof the value or amount shall exceed five hundred Rupees, shall be in writing and signed by the Chairman, or in his absence by the Vice-Chairman, and two other Justices of the Peace, and shall be sealed with the seal of the Justices. Every contract so entered into as aforesaid, and duly executed by the other parties thereto, shall be binding on the Justices and their successors, and upon all other parties thereto, and their executors, administrators, successors, or assigns, to all intents and purposes. Provided always that the Justices may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or in any bond, or otherwise, for such sums of money or other recompense as to the Justices may seem proper.

Proviso.

Justices may appoint Committees.

XXX. It shall be lawful for the Justices at a Meeting, from time to time, to appoint from among the Justices of the Peace, such and so many Committees, either of a General, or of a Special, nature, and consisting of such number of persons, as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the Conservancy or Improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which in the discretion of the Justices would be better regulated or managed with the advice and aid of any such Committee: Provided that the Chairman or the Vice-Chairman shall be a Member of every such Committee, and that the Proceedings of every such Committee shall be submitted to the Justices at a Meeting.

Proviso.

A Budget or Estimate of Income and Expenditure to be submitted annually to the Justices.

XXXI. At a Special General Meeting to be held under this Act on the second Monday in the month of July 1863, or as soon after as conveniently may be, the Chairman shall lay before the Justices a Budget or Estimate, prepared by him, of the expenditure and income of the Municipality from the date on which this Act

shall come into operation up to the first subsequent day of January: and at the Quarterly Meeting to be held in the month of October in each year, the Chairman shall lay before the Justices a Budget or Estimate, prepared by him, of the expenditure and income of the Municipality for the year commencing on the 1st of January then next succeeding, in such detail and form as the Justices shall from time to time, by order passed at a Quarterly, or Special General, Meeting, direct. Provided always that such Budget shall be completed and printed, and a copy thereof sent by post or otherwise to each of the Justices of the Peace, resident within twenty miles of Government House, at least seven days prior to the Meeting before which the Budget is to be laid.

Budget of Expenditure.

XXXII. The Budget shall shew what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Revision and passing of Estimates. No new work, the estimated cost of which exceeds 50,000 Rupees, to be commenced without the sanction of Government.

XXXIII. It shall be in the discretion of the Justices to pass, or to reject, or to modify, the estimates of all or any sums entered in the Budget. No new work or series of works, the entire estimated cost of which as shewn in the Budget shall exceed fifty thousand Rupees, shall be commenced without the sanction of the Lieutenant-Governor having been previously obtained

Accounts to be audited and examined.

XXXIV. The accounts of the receipts and expenditure of the Justices shall shall be audited and examined once in every year, at the least, at such time and by such Auditors as shall from time to time be appointed by the Lieutenant-Governor of Bengal. For the purposes of any audit and examination of accounts under this Act, the Auditors may, by summons in writing, require the production before them of all books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same: and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a penalty not exceeding one hundred Rupees. All Auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Lieutenant-Governor of Bengal shall from time to time determine: Provided always that, before each audit and examination of accounts under this Act, the Chairman shall give ten days' notice of the time and place at which the same will be made, by advertisement in the English and Bengalee Government Gazettes, and in at least two of the daily English Newspapers, and in two Vernacular Newspapers, published in Calcutta: and a copy of the accounts to be audited and examined shall be deposited in the Office of the Justices, and be open during office hours thereat, to the inspection of all persons interested, for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the Auditors shall report upon the accounts audited and examined, and shall deliver such report to the Justices, at a Meeting, who shall cause the same to be deposited in the Office of the Justices and to be published in the Calcutta Gazette and in some one or more of the said Newspapers.

Proviso.

All rates to become due under the last assessment and payable to the Justices.

XXXV. Whereas the assessments last made under the said Acts XXV and XXVIII of 1856, include the months of July, August, September, October, November, and December 1863, and power is given by this Act to impose and levy rates upon the owners and occupiers of the same houses, buildings, and lands, which were subject before the passing of this Act to the said assessments, for a period including the same months, it is hereby enacted that any sum of money, which would have become due from any owner or occupier in respect of the said assessments for the several months aforesaid, may be levied and recovered by the Justices in like manner as the same might have been levied and recovered if this Act had not been passed, unless the Justices shall impose and levy any other rate under the provisions of this Act.

Mode of fixing the rate at which taxes shall be levied under this Act.

XXXVI. At the Special General Meeting to be held on the second Monday in the month of July 1863 as aforesaid, or as soon after as conveniently may be, the Justices shall fix the rates at which such taxes as are leviable under this Act shall be levied, from the date on which this Act shall come into operation, till the first day of January next ensuing; and at the Quarterly Meeting to be held in the month of October in each year, the Justices shall fix the rates at which such taxes as are leviable under this Act, shall be levied for the year commencing on the first day of January then next ensuing. The rates so fixed shall not be altered

Such rate not to be altered, except at a Special General Meeting.

before the Quarterly Meeting held in the next succeeding month of October, except by a Resolution passed by the Justices at a Special General Meeting.

Tax on carriages horses, &c.

XXXVII. A tax, at a rate not exceeding the rates specified in the Schedule (A) to this Act annexed, shall be imposed upon all carriages, horses, ponies, and mules, kept within the Town, and shall be payable in advance. Provided that this Section shall not apply to, or include,—Gun carriages, or Ordnance carts or wagons: Cavalry horses, or horses of the Mounted Police: Horses belonging to Officers doing Regimental duty at the Presidency, at the rate of one horse for each Officer: vehicles, horses, ponies, or mules belonging to the Government, or to the Justices: vehicles kept for sale, and not used for any other purpose, if kept by *bonâ fide* dealers in such vehicles.

XXXVIII.—Repealed by Act VI of 1866 of the Bengal Council.

XXXIX.—Repealed by Act IX of 1867 of the Bengal Council.

XL.—Repealed by Act VI of 1866 of the Bengal Council.

Justices may compound for carriages with livery stable-keepers and others.

XLI. The Justices, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers, and other persons keeping carriages for hire, for a certain sum to be paid for the carriages so kept by such persons, in lieu of the taxes specified in the Schedule (A). And if any person, having so compounded, shall refuse to pay the sum compounded for on the demand of the Justices, he shall, on conviction before a Justice of the Peace, be liable to a fine not exceeding three times the amount so payable.

List of persons licensed under Section XXXIX, to be entered in a book.

XLII. The Justices shall, from time to time, cause to be prepared and entered in distinct columns, in a book to be kept at the Office of the Justices, and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons who during the then current period of six months shall have received a license under Section XXXIX of this Act, and of the vehicles and animals in respect of which they may have paid.

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

XLIII. It shall be lawful for the Justices, or any person or persons appointed by them for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any vehicle or animal liable to taxation under Section XXXVII of this Act, for which a license has not been duly taken out; and the Justices may summon any person, whom they have reason to believe to be liable to the payment of any tax under the last mentioned Section, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed. Whoever being so summoned shall, without lawful excuse, fail to appear in pursuance of the summons, and whoever hinders or obstructs the Justices or any person appointed by them as aforesaid, from or in entering or inspecting any such stable, coach-house, or place, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding one hundred Rupees.

XLIV.—Repealed by Act VI 1866 of the Bengal Council.

Fee for registration.

XLV. The registration of carts, hackeries, and other vehicles under the last preceding Section, shall be made and the numbers assigned half-yearly, on or before the first day of January and the first day of July in each year, upon such days as the Justices shall appoint, and a fee of four Rupees shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January, of any such cart, hackery, or other vehicle, which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Justices shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of four Rupees aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last mentioned registration.

Penalty for not registering a cart or hackery.

XLVI. Whoever owns or keeps any cart, hackery, or other wheeled vehicle not on springs, required by this Act to be registered, without having caused the same to be registered under the last preceding Section, shall, on and after the first day of October 1863, be liable, on conviction before a Justice of the Peace, to a fine not exceeding three times the usual registration fee: and the Justices, or any Officer duly authorized by them, may seize or cause to be seized any such cart, hackery, or other vehicle, (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the horses, bullocks, or other animals drawing the same, and may detain them: and all Police Officers are hereby required, on the application of the Justices or their Officers as aforesaid, to seize and detain the same. If the person owning or keeping such cart, hackery, or other vehicle shall be convicted before a Justice of the Peace under this Section, and ordered to pay a fine, and if the vehicle seized be not

claimed, and the fine be not paid, within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of a Justice of the Peace, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall be paid to the Justices.

Persons exercising certain professions, trades, and callings in the Town, to take out a license.

XLVII. On and after the first day of July 1863, every person who shall within the Town exercise any of the professions, trades, or callings specified in Schedule (B) to this Act annexed, shall take out a license, and shall pay for the same such annual sum as is in the said Schedule (B) mentioned; provided that for any such license which shall be granted before the first day of January 1864, there shall be paid only one half of the said annual sum.

License to be granted by Justices, and to specify particulars.

XLVIII. Every license under Section XLVII shall be granted by the Justices or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

License to be in force how long.

XLIX Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January 1864 shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

Licenses to be renewed on expiring

L. Every person to whom any such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceeding Section, and shall renew the same from year to year, so long he shall desire to continue such profession, trade, or calling.

Chairman to classify all persons required by this Act to be licensed.

LI. The Chairman shall determine under which of the classes mentioned in the Schedule (B) to this Act annexed, every person to whom a license may be granted shall be assessed. The Justices at a Meeting shall from time to time declare what are to be considered, Bazars, Hauts or Public Markets, within the meaning of this Act.

Chairman to prepare a list of all persons required by this Act to be licensed.

LII. As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the Office of the said Chairman, and be open to public inspection at all reasonable times.

LIII.—Repealed by Act VI of 1866 of the Bengal Council.

Penalty for not producing license when called on to do so by an Officer of the Justices, &c.

LIV. Any person required by Section XLVII to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license, when required so to do by an Officer duly empowered in writing by the Chairman to make such requisition, shall, on conviction before a Justice of the Peace, be liable to a penalty not exceeding one hundred Rupees.

Rate on all houses, buildings, and lands in the Town.

Proviso.

LV. An annual rate, not exceeding ten per centum of their annual value may be imposed by the Justices upon all houses, buildings, and lands, in the Town, and shall be assessed in the manner hereinafter described; Provided that it shall be at the option of the Justices, in lieu of such rate, to levy upon any lands unappropriated to any building or premises, or upon any native huts with their appurtenances, a fixed annual rate not exceeding four Rupees for every cottah occupied by them, respectively. Any rate levied under this Section shall be payable by the owners of the said houses, buildings, lands, and huts, respectively, by quarterly instalments.

Exemption of Fort William and and of buildings on its esplanade, and buildings used for public worship.

LVI. Houses, buildings, and lands situate in Fort William, on the esplanade of the Fort, and in Cooly Bazar, and buildings used exclusively as places of public worship, shall not be liable to any rate under the last preceding Section.

If assessment be made at a higher annual value than the amount paid by the tenant, owner may recover difference from him.

LVII. If the annual value or fixed rate referred to in Section LV, shall in any case exceed the amount of rent payable by the lessee or tenant to the owner, the owner may in such case recover from the lessee or tenant the difference between the sum assessed upon him, and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by such lessee or tenant, and shall be recoverable by the owner from him, by such means and in like manner in all respects as such rent is recoverable.

LVIII.—Repealed by Act. VI 1866 of the Bengal Council.

LIX.—Repealed by Act VI of 1866 of the Bengal Council.

LX. The Justices shall cause the public streets of the Town to be sufficiently lighted: and the sum applicable annually to the current expenses of lighting the said streets, shall be the gross proceeds of the said Lighting-rate and no more; but the Justices may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, and maintaining of lamps, lamp-posts, pipes, and other necessary apparatus.

Gross proceeds of Lighting-rate to be applied for purposes of lighting.
Proviso.

LXI.—Repealed by Act VI of 1866 of the Bengal Council.

LXII. Every occupier shall be liable to the Lighting-rate and to the Water-rate for the time of his occupation; and when any person shall have been an occupier for a part only of any quarter, the Justices shall charge him with only so much of the rate for that quarter, as may be proportionate to the number of days during which he shall have continued to be an occupier. No such rate shall be chargeable to any person on account of any unoccupied house for the time during which it may remain unoccupied. Provided always that, when any person ceases to be the occupier of any premises liable to the rate, he shall give the Justices notice thereof, or, if he fail to give such notice, he shall be liable to the rate assessed on the said premises for the whole quarter, although they may have been occupied for a part only of such quarter.

Occupier liable to the rate for time of occupation.

Proviso.

LXIII.—Repealed by Act VI of 1866 of the Bengal Council.

LXIV.—Repealed by Act VI of 1866 of the Bengal Council.

LXV. If, during the course of any quarter, the Justices shall have reason to believe that any person, who, if the current quarter had come to an end, would be liable to pay the House-rate, the Lighting-rate, or the Water-rate, for that quarter, is about to remove from the Town forthwith, it shall be lawful for the Justices to declare such person liable to the immediate payment of the said rates, or any of them, from the commencement of that quarter up to the date of such declaration, and the amount of such rate for such time due from such person, shall be leviable forthwith, in like manner and in all respects as the said rates are in ordinary cases leviable.

Any person liable to any rate, leaving the Town during a quarter, may be made at once to pay such rate up to date.

LXVI. The estimated gross annual rent at which the houses, buildings, and lands, liable to the rate or rates imposed under this Act upon houses, buildings, and lands according to the annual value thereof, might reasonably be expected to let from year to year, shall, for the purposes of the rates leviable under this Act, be held and deemed to be the annual value of such houses, buildings, and lands. The value of a house or building so estimated, shall not include the value of any machinery contained therein.

Annual value of houses, buildings, and lands, how to be ascertained.

LXVII. The annual value at which any lands, houses, buildings, or huts with their appurtenances, are to be assessed, or the area on which they are to be rated under this Act, shall be fixed by the Justices, and such lands, houses, buildings, and huts with their appurtenances, shall be assessed or rated, upon the value or the area so fixed, for three years from the date on which it is so fixed, and on no other value or area. Provided that, if during the currency of the said period of three years any new building shall be erected on any land, or any substantial alteration and improvement shall be made in any premises, it shall be lawful for the Justices to cause such land or premises to be again assessed, even though the three years shall not have expired, and such last mentioned assessment shall be in force, and the rate shall be levied according to it, until the expiration of the said three years.

Annual value to be assessed by the Justices: assessment to remain in force for three years.

Proviso.

LXVIII. The annual value assessed, or the area fixed, by the Justices as hereinbefore provided, shall be entered in a book to be kept at the Office of the Justices, wherein shall also be written in distinct columns the name of the owner of the property; or, if the occupier, and not the owner, is the person liable to pay the rate, the name of the occupier; a designation of the property, either by name or number, sufficient to identify the same, together with the name of the street or district in which such property is situate, and the amount of the rate assessed or fixed thereon.

Value assessed, or measurement, to be entered in a book, &c.
New valuation or measurement to be made.

LXIX. The Justices shall, immediately after this Act comes into operation, proceed without delay to make a valuation or measurement of all lands, houses, tenements, and premises within the Town, and for such purpose shall divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement, district by district, and shall enter the same in the said book. The valuation which, at the date of this Act coming into operation, shall stand entered in the book kept at the Office of the Municipal Commissioners under Section V of Act XXV of 1856, shall be taken to be the first valuation made under this Act, until such time as the Justices shall have caused a new valuation or a measurement to be made.

New valuation or measurement to be made.

Valuation now standing in the book of the Municipal Commissioners, to be taken as the first under this Act, till new one be made.

LXX. When the name of the owner or occupier is not known, it shall be sufficient to designate him in the said book, and also in any notice or other proceeding under this Act, as "the owner" or "the occupier" of the property on which the rate is assessed, without further description.

Owner or occupier how to be designated, if his name be unknown.

Returns may be required for purpose of valuation.

LXXI. In order to enable the Justices to arrive at a fair valuation or measurement of any houses, buildings, or lands liable to the rate, it shall be lawful for the Justices to require the owner or occupier of such houses, buildings, or lands to furnish them with returns of the measurements and of the rent or annual value thereof; and, for the like purpose, it shall be lawful for the Justices, or any person or persons appointed by them for that purpose, at any time between sunrise and sunset, to enter and inspect and measure such houses, buildings, or lands, after having given forty-eight hours' previous notice of such their intention to the occupier thereof; and whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Justice of the Peace, or any person appointed by the Justices as aforesaid, from entering or inspecting or measuring any such houses, buildings, or lands, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding two hundred Rupees.

Power to enter houses, &c.

Public notice of valuation and measurement to be given.

LXXII. When the valuation and measurement of any of the districts of the town, into which it may have been divided under Section LXIX of this Act, shall have been completed, the Justices shall give public notice thereof, and of the place where the said book containing the valuation and measurement and the rate assessed, or a copy of the said book, may be inspected, by advertisement in the English and Bengallee Government Gazettes, and in at least two of the daily English newspapers, and in two Vernacular newspapers, published in Calcutta, and also by placards posted up in conspicuous places throughout such district of the Town; and the person in whose custody such book may be, shall permit every person claiming to be the owner or occupier of property included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee; and every person who does not claim to be such owner or occupier, to inspect and make extracts, in like manner, on payment of a fee of one Rupee.

Notice of time of revising assessment.

LXXIII. The Justices shall, at the time and in the manner in the preceding Section mentioned, give public notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation or measurement and assessment; and in all cases in which any property is for the first time assessed, or in which the valuation or measurement of any property previously assessed is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation or measurement and assessment shall be made to the Justices, by application in writing left at their Office three days before the day fixed in the said public notice for the revising of the said valuation or measurement and assessment; and upon hearing such appeals, the Justices shall make such amendments, if any, in the said assessment and in the said book, as they shall think proper.

LXXIV.—Repealed by Act VI of 1866 of the Bengal Council.

Alteration or amendment of assessment.

LXXV. Provided, always, that the Chairman or Vice-Chairman may at any time amend the said book, by inserting therein the name of any person whose name ought to be so inserted, or by inserting any property liable to the rate, after giving notice, to such person as may be interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out the name of any person or any property not liable to the rate, or reducing the amount of the rate, without notice; and if any amendment shall be made, in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal, by application in writing to the Justices left at their Office three days before the day fixed in the said notice for such amendment.

New assessment book need not be prepared every three years.

LXXVI. It shall not be necessary to prepare a new book every three years, but the Justices may adopt the valuation or measurement and assessment contained in the book for any period of three years, with such alterations as may, in particular cases, be deemed necessary, as the valuation or measurement and assessment for the three years next following. Provided, always, that public notice of such valuation or measurement and assessment shall be given, in the manner prescribed in Section LXXII of this Act; and the provisions of that and the three following Sections shall be applicable to the said valuation or measurement and assessment, and to the book or books in which it is contained.

Proviso.

LXXVII.—Repealed by Act VI of 1866 of the Bengal Council.

Assessment by Justices when to be final.

LXXVIII. The assessment by the Justices of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the preceding Section, shall be final and conclusive.

Bills to be presented.

LXXIX. When any rate is due, the Justices shall cause to be presented, to the person liable to the payment thereof, a bill for the sum due, which shall also contain a statement of the period, and a description of the property or thing, for which the rate is charged.

Notice of demand.

LXXX. If the bill is not paid, by the person liable to pay the same, within seven days from the presentation thereof, the Justices may cause to be served upon such person a notice of demand, in the form contained in the Schedule (C) to this Act annexed, or to the like effect; and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause, to the satisfaction of the Justices, for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occupier of any house, building, or land in respect of which a rate is due, by distress and sale of any goods and chattels found on the premises, under a warrant in the form contained in the Schedule (D) to this Act annexed, or to the like effect, to be issued for that purpose by the Justices. For every notice of demand under this Section which the Justices shall cause to be served upon any person, a fee not exceeding one Rupee, the amount of which shall be in each case fixed by the Justices, shall be paid by such person. Such fee shall be added to the amount of the rate in respect of which the notice is given, and, if not duly paid, shall be levied in the same manner as such rate may be levied.

Distress.

Inventory—notice of distress.

LXXXI. The Officer charged with the execution of a warrant of distress under the last preceding Section, shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing, in the form contained in the Schedule (E) to this Act annexed, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

LXXXII. If the warrant is not in the meantime discharged or suspended by the Justices, the goods and chattels seized shall be sold under the orders of the Justices, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned, on demand, to the person in possession of the goods and chattels at the time of the seizure. Fees shall be payable upon distraints under this Act, according to the rates set forth in the Table of Fees in the said Schedule.

Fees.

Goods of defaulter, wherever found may be distrained.

LXXXIII. The goods and chattels of any person from whom any rate is due, may be distrained, wherever the same may be found, for default in the payment of the money due from such person.

Rate due from owner may be recovered from occupier, and deducted by him from his rent.

LXXXIV. If the sum due, on account of any rate, from the owner of any house, building, or land, remains unpaid, after notice of demand has been duly served, the Justices may demand the amount from the occupier for the time being of such house, building, or land, and, on non-payment thereof, may recover the same by distress and sale of any goods or chattels found on the premises; and, in such case, the occupier may deduct, from the next and following payment of his rent, the amount which may be so paid by, or recovered from, him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof.

Distress not unlawful for want of form.

LXXXV. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio*, on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any Court of competent jurisdiction.

Justices may sue, instead of proceeding by distress.

LXXXVI. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of the sum due in respect of any rate, the Justices may sue the person liable to pay the same, in any Court of competent jurisdiction.

Service of notices.

LXXXVII. Every notice, schedule, summons, or notice of demand, regarding any assessment, rate, or tax, or any money due in respect of the same, may be served personally upon the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family, or, if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served. Provided that, if the place of abode of the owner of any house, building, or land, in respect of which a rate is assessed, be unknown, or if the owner of any such house, building, or land be not resident within the limits of the Town, every such notice, summons, or notice of demand, shall be deemed to be duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

Proviso.

Assessment not to be impeached, if the directions of the Act are in substance complied with.

LXXXVIII. No assessment, and no charge or demand of a rate or tax, made under the authority of this Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any Court of Justice.

Drainage.

LXXXIX. The Justices shall carry out such a complete system of sewerage and drainage within the Town as they may think desirable, subject to the aproval of the Lieutenant-Governor of Bengal, and subject to such alterations as may from time to time be ordered by him.

Drainage rate on houses in the environs of the town.

XC. The Lieutenant-Governor of Bengal may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof by notification in the Government Gazette. An annual rate, to be fixed from time to time by the said Lieutenant-Governor, not exceeding two and a half per centum of their annual value, may be imposed upon all houses, buildings, and lands situated within the boundaries so notified, and the same shall be payable by the owners thereof in quarterly instalments. For the purposes of the said rate, the houses, buildings, and lands situated within such boundaries as aforesaid, shall be held to be a part of the Town; and all the provisions of this Act which relate to the assessment and collection of rates payable by owners, shall have effect in respect to such rates.

Justices may erect wharves &c., on river and canal banks, and levy fees for goods landed thereon.

XCI. It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to erect wharves, jetties, or quays, in any river or canal bordering upon lands which may belong to the Justices. And it shall be lawful for the Justices to levy, upon all goods shipped or landed at any such quays, wharves, or jetties, erected as aforesaid, wharfage, porterage, and other fees, according to a scale to be laid down from time to time by the Justices with the sanction of the Lieutenant-Governor of Bengal.

Goods landed on wharves, &c., may be detained until fees are paid.

XCII. It shall be lawful for the Officers, appointed by the Justices to superintend the landing and shipment of goods from any quays, wharves, and jetties erected under the provisions of the last preceding Section, to detain any such goods until the wharfage, porterage, and other charges due thereon shall have been paid.

Mortgage of rates.

XCIII. *Clause* 1.—For the construction of works of a permanent nature under this Act, the Justices may, with the sanction of the Lieutenant-Governor of Bengal, from time to time, borrow by way of debenture, on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund under this or any Act passed in that behalf, or of a portion of them, and at such rate of interest and upon such terms as to the time of re-payment and otherwise as the said Lieutenant-Governor may approve, any sums of money the Justices may require for the objects aforesaid.

Form of security.

Clause 2.—All the debentures aforesaid, issued under the authority of this Act, shall be in the form contained in the Schedule (F) to this Act, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures, shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Payment of debentures by fresh mortgage of rates.

Clause 3.—The Justices may at any time, with such consent as aforesaid, raise, by the issue of new debentures, any money that may be required to pay any monies for the time being due on any debentures issued in pursuance of this Act.

Justices may keep a Register of births and deaths, and appoint Registrars.

XCIV. It shall be lawful for the Justices to keep in their Office a Register of all births and deaths in the Town, and for this purpose they shall divide the Town into such and so many Districts as they shall think fit, and for every such District they shall appoint a person to be Registrar of births and deaths within such District.

Every Registrar to live in his District; list of Registrars to be published, &c.

XCV. Every Registrar shall dwell within the District of which he is Registrar, and shall cause his name, with the addition of Registrar for the District for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Justices shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the Town.

Justices to have Register books prepared and numbered.

XCVI. The Justices shall cause to be prepared and printed, a sufficient number of Register Books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in Schedules (G) and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

Register to inform himself of, and register, births and deaths.

XCVII. Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his District after the first day of July 1863, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

XCVIII.—Repealed by Act VI of 1866 of the Bengal Council.

Information of death to be given.

XCIX. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the Town, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this Section, shall be liable to a penalty not exceeding one hundred Rupees.

Person giving information, to sign the register.

C. Every person by whom the information contained in any Register of births or deaths under this Act shall have been given, shall sign in the Register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

Account of population to be taken.

CI. At such times and in such manner as shall be directed from time to time by the Justices, an account shall be taken of the number of persons who, at the time of taking such account, shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

Chairman to superintend the taking an account of the population.

CII. The Chairman shall superintend the taking of such account, and shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Lieutenant-Governor, deem necessary, and all the expenses incurred shall be defrayed out of the Municipal Fund.

Enumeration Districts.

CIII. Each Police division of the Town shall be formed into one or more Enumeration Districts.

At the appointed time occupiers of houses shall give the required information.

CIV. At such times as shall be appointed under Section CI of this Act, and as shall be notified in the Official Gazette by the Lieutenant-Governor of Bengal, every occupier of a dwelling-houses or of any part of a dwelling-house distinctly occupied, and every person to whom a Schedule, as hereinafter provided, may have been delivered, shall afford such information, in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner, as may, under this Act, be lawfully required of them.

Persons to be employed as enumerators.

CV. The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his District, except as hereinafter provided, and shall taken an account in writing of the name, sex, age, caste, nationality, and occupation, of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses, within his District, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf. Provided always that, in the case of females, no account shall be taken either of their name or age.

Schedules.

CVI. The Chairman, when he may deem such a course to be advisable, may cause a Schedule, in such form as shall be sanctioned by the Lieutenant-Governor, to be delivered to any occupier of any dwelling-house who he shall have ascertained to be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to such persons as may be duly authorized to demand the same.

Military and Naval Officers and certain others, if required, to act as enumerators.

CVII. Any Military or Naval Officers in command of bodies of Military or Naval men, or of Vessels of War, or any Master of a Merchant Vessel, or Nacodah or Tindal of a vessel or boat, or any person in charge of a Lunatic Asylum, Hospital, or Prison, or of any public or private charitable or scholastic institution, or any keepers of Hotels or Lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed; every person so required to act as an enumerator, shall receive and

conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

Returns of houseless persons.

CVIII. The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose and as shall be sanctioned by the Lieutenant-Governor, returns of the particulars required by this Act with respect to all houseless persons, and all persons who, during the said night preceding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

Streets vested in the Justices.

CIX. All public streets in the Town (not being the property and kept under the control of the Government), existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in, and belong to, the Justices.

Power to make and improve streets.

CX. The Justices, with the sanction of the Government of Bengal, may lay out and make new streets, and may build and construct bridges and tunnels; and may turn, divert, discontinue, or stop up, any public street, and may widen, open, enlarge, or otherwise improve, any such street; making due compensation to the owners and occupiers of any land, houses, or buildings which may be required for any such purposes.

Power to take land adjoining new streets, for building purposes.

CXI. In laying out or making any new street, or in turning, diverting, widening, opening, enlarging, or otherwise improving, any public street, in addition to the land required for the carriage-ways and foot-ways thereof, the Justices may purchase also the land necessary for the houses and buildings to form the said street, and may sell and dispose of the same, with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon, as they shall think fit. Provided that, if any land be taken under the provisions of this Act, compensation shall be made to the owners for any direct or immediate damage which may be done thereby to any adjoining land or buildings of such owner.

Compensation for damages to adjoining land.

Power to agree for purchase of land for improving streets, or for other municipal purposes.

CXII. The Justices may agree with the owners of any land or building for the absolute purchase thereof for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the public streets, or for any other purpose whatever connected with the conservancy or general improvement of the Town.

Mode of ascertaining compensation for land etc.

CXIII. When there is any hinderance to the acquisition by purchase of any land or building required for the purposes of this Act, the Government of Bengal, upon the representation of the Justices and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for the obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of land for public purposes. And the Government of Bengal may vest such land or building in the Justices, on their paying the compensation awarded.

Power to sell lands or buildings.

CXIV. The Justices may sell any lands or buildings vested in them by virtue of this Act, or acquired by them for the purposes thereof, either together or in parcels as they may find most convenient and advantageous, and the proceeds of such sale shall be applied to the purposes of this Act; and for carrying such sale into effect, the Justices may execute a conveyance of the lands sold to the purchaser, and such conveyance shall be under the common seal of the Justices, and shall be executed in all respects in the manner hereinbefore provided for the execution of contracts, the value or amount of which exceeds five hundred Rupees.

Power to sell old streets.

CXV. Whenever any street, hereby vested in the Justices, shall be discontinued and stopped up under the provisions of Section CX of this Act, the Justices may sell the land or such part thereof as shall not be required for the purposes of this Act.

Maintenance and repair of streets.

CXVI. The Justices shall, so as far as the funds at their disposal will admit, from time to time, cause the public streets to be maintained and repaired, and from time to time may cause the same to be paved, metalled, flagged, channelled, sewered, or otherwise improved, and the surface thereof to be raised, lowered, or altered, as they may think fit; and may also make and keep in repair any foot-ways for the use of passengers in any such street, and also from time to time place, on the sides of such foot-ways or otherwise, such fences and posts as may be needed for the protection of foot-passengers.

Footways.

Cleansing streets.

CXVII. The Justices shall cause the streets, including the foot-ways thereof, to be regularly swept and cleansed; and the dust, dirt, ashes, rubbish, and filth of every sort found thereon, to be collected and removed.

Dust boxes in streets.

CXVIII. The Justices may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, ashes, and rubbish

may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles. Every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit, or cause or permit to be deposited, any such matter in any street, except in such receptacles, shall be liable to a penalty not exceeding ten Rupees for each offence.

Depositing dirt on streets, &c.

CXIX. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse; or filth of any kind, or any animal matter, or any broken glass or earthenware, or other rubbish, in any street or on any public quay, jetty, ghaut, or landing place, or on any part of a river-bank whether above or below high-water mark, except in such places and in such manner and at such hours as shall be fixed by the Justices, shall be liable to a penalty not exceeding ten Rupees for each offence. The Justices may, in manner hereinafter provided, make Bye-Laws for regulating the making of such deposits, and for the removing and carrying away the same, and for charging the person making the deposit, with the expense of removing it or carrying it away.

Allowing sewerage to flow on streets.

CXX. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any street, or causes or allows any offensive matter from any sewer or privy, to run, drain, or be thrown into, a surface drain in any street, shall be liable to a penalty not exceeding ten Rupees for each offence.

CXXI. Repealed by Act VI of 1866 of the Bengal Council.

Places of deposit for filth.

CXXII. The Justices, from time to time, shall appoint or provide places convenient for the deposit of the night-soil, dung, and other filth, and the dust, dirt, ashes, and rubbish collected and removed under the authority of this Act; and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Act; and, for any of such purposes, the Justices may purchase or take on lease any land or buildings by them considered necessary, or may cause any new building to be made upon any land to be purchased or hired by them.

All rubbish, &c., collected, to be the property of the Justices.

CXXIII. All dirt, dust, ashes, rubbish, sewerage, soil, dung, and filth, collected from the streets, houses, privies, sewers, and cess-pools, shall be the property of the Justices, who shall have power to sell or dispose of the same as they may think proper, and the money arising from the sale thereof, shall be applied to the purposes of this Act.

Watering streets.

CXXIV. The Justices, so far as the funds at their disposal will admit, and so far as they may deem requisite for the public convenience, shall cause the public streets to be watered; and for that purpose may provide such works and engines as they may think necessary.

Future obstructions in streets.

CXXV. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public street or in or over any open drain, sewer, or aqueduct along the side of any such street, after this Act comes into operation, shall be liable to a penalty not exceeding one hundred Rupees; and the Justices shall have power to remove any such obstruction or encroachment; and the expense of such removal shall he paid by the person erecting the same, and shall be recoverable as hereinafter provided. Nothing herein contained shall prevent the Justices from allowing any temporary erections in any public street, on occasions of festivals and ceremonies.

Power to remove.

Temporary obstruction on occasions of festivals, &c.

Taking up pavements.

CXXVI. Whoever displaces, takes up, or makes any alteration, in the pavement, flags, or other materials, or in the fences or posts, of any public street without the consent in writing of the Justices, or without other lawful authority, shall be liable to a penalty not exceeding fifty Rupees.

Private persons laying out new streets.

CXXVII Every person who wishes to make or lay out any new street shall give notice in writing thereof to the Justices, shewing the intended level and width of such street; and the level and width of every such street shall be fixed or approved by the Justices; and whoever lays out, makes or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a penalty not exceeding five hundred Rupees; and the Justices may, if they think fit, cause any such street, laid out or made at a level or width otherwise than they in accordance with the level or width so fixed or approved as aforesaid, to be altered; or may cause any building, erected in any such street, otherwise than in accordance with such level and width, to be altered, or if necessary removed, and the expenses thereby incurred shall be paid to them by the offender, and be recoverable as hereinafter provided. If no such level or width be fixed, and no approval or disapproval of the level or width proposed, be signified by the Justices within one month, the intended street may be laid out and made upon

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the level and of the width specified in the notice.

Erection of new huts to be under the control of the Justices

CXXVIII. It shall not be lawful for any person to erect, within the Town, any hut or any range or block of huts, on any plot or parcel of ground on which no huts are standing, without previous notice to the Justices; and the Justices may require such hut or huts to be built so that they may stand in regular lines, with a free passage or way in front of each line, of such width as the Justices may think proper for salutary ventilation, and to facilitate scavengering, and at such a level as will admit of sufficient drainage. And if any such hut or huts be built without giving such notice to the Justices, or otherwise than as required by the Justices, the Justices may give notice to the builder or builders thereof to take down and remove the same within one month, and if such hut or huts be not taken down or removed according to such notice, the Justices may cause the same to be taken down and removed, and the expense incurred in doing so shall be paid by the said builder or builders, and shall be recoverable as hereinafter provided.

Power of Justices as to existing huts.

CXXIX. Whenever the Justices are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the Town, is, by reason of the manner in which the huts are crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may, with the sanction of the Government of Bengal, cause a notice to be fixed to some conspicuous part of such block of huts, requiring the owners or occupiers thereof, or, at the option of the Justices, the owner of the land on which such huts are built, within a reasonable time to be fixed by the Justices for that purpose, to execute such operations as the Justices, with such sanction as aforesaid, may deem necessary for the avoidance of such risk. And in case such owners or occupiers, or the owner of the land, shall refuse or neglect to execute such operations within the time appointed, the Justices may cause the said huts to be taken down, or such operations to be performed in respect of such huts, as the Justices may deem necessary to prevent such risk. If such huts be pulled down, the Justices shall cause the materials of each hut to be sold separately, if such sale can be effected; and the proceeds shall be paid to the owner of the hut, or if the owner be unknown, or the title disputed, shall be held in deposit by the Justices, until the person interested therein shall obtain the order of a competent Court for the payment of the same. The Calcutta Court of Small Causes shall be deemed a competent Court for that purpose.

Paving, &c., of private streets.

CXXX. If any street (not being a public street), or any part thereof, be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Justices, they may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon, such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice, and upon non-compliance the Justices may, if they think fit, execute the works mentioned or referred to therein: and the expenses incurred by them in so doiug shall be paid by the owners in default according to the frontage of their respective premises, and in such proportion as shall be settled by the Justices, or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses; and such expense shall be recoverable as hereinafter provided. Provided always that after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered, on the requisiton of the Justices, or by the Justices as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Justices out of the Municipal Fund.

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Certain streets to be declared public and repaired by the Justices.

CXXXI. If any street (not being a public street, but being a street over or through which the public have or may hereafter have a right of way) be levelled paved, metalled, flagged, channelled, and sewered to the satisfaction of the Justices, they may, if they think fit, by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by them out of the Municipal Fund.

Houses may be set forward for improving line of streets.

CXXXII. The Justices may, upon such terms as they shall think fit, allow any house or building to be set forward for improving the line of any public street in which such house or building is situated.

Houses projecting beyond line of street, when taken down, to be set back.

CXXXIII. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Justices may require the same to be set back to or towards the line of the street or the line of the adjoining houses or buildings.

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Provided always that the Justices shall make full compensation to the owner of any such house or building for any

damage he may thereby sustain, and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Names of streets.

CXXXIV. The Justices shall, from time to time, cause to be put up or painted, on a conspicuous part of some house, building, wall, or place, at or near each end, corner, or entrance of every street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Justices, shall be liable to a penalty not exceeding twenty Rupees.

Numbers of houses.

CXXXV. The Justices may, from time to time, fix a number in a conspicuous place on the outer side of any house or building, or at the entrance of the enclosure thereof fronting the street; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding twenty Rupees.

Doors not to open outwards.

CXXXVI. All doors, gates, bars, and ground-floor windows put up after this Act comes into operation, which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction; and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such street and cause obstruction, the owner of the premises to which the same is attached shall, within eight days after notice from the Justices to that effect, cause the same to be altered so as not to open outwards and cause obstruction, and in case he neglects so to do, the Justices may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

Doors opening outwards to be altered.

CXXXVII. If any door, gate, bar, or ground-floor window, put up before this Act comes into operation, is hung or placed so as to open outwards upon any public street and cause obstruction, the Justices may alter the same, so that no part thereof, when open, shall cause an obstruction, and the expense thereof shall be paid by the owners, and be recoverable as hereinafter provided.

Troughs and pipes to be fixed to houses.

CXXXVIII. The owner of every house or building in any public street shall, within fifteen days after notice from the Justices to that effect, put up, and keep in good condition, proper troughs and pipes for catching and carrying the water from the roof and other parts of such house or building, and for discharging the same in such manner as the Justices shall direct, and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a penalty not exceeding ten Rupees for every day that he shall so make default.

Projections erected in future from houses, to be removed.

CXXXIX. The Justices may give notice in writing to the owner or occupier of any house or building, to remove or alter any projection, encroachment, or obstruction, which, after this Act comes into operation, shall be erected or placed against or in front of such house or building, and such owner or occupier shall, within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Justices, and in default thereof shall be liable to a penalty not exceeding two hundred Rupees; and the Justices in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided. Provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same, from the rent payable by him to the owner of the house or building.

Proviso.

Removal of existing projections from houses.

CXL. The Justices may cause any such projection, encroachment, or obstruction, erected or placed against or in front of any house or building, in any public street, before this Act comes into operation, to be removed, or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty-days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Notice of removal.

Compensation when to be made.

Justices may allow certain projections from houses.

CXLI. The Justices may give permission in writing to the owners or occupiers of houses or buildings in public streets, to put up verandahs, balconies, sun-shades, weather-frames, and the like, to project from any upper-story thereof over the street, to an extent not exceeding five feet from the foundation.

Roofs and external walls of huts not to be made of inflammable materials.

CXLII. The external roofs and walls of huts or other buildings, erected or renewed within the Town after this Act comes into operation, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be

lawful for the owner of any hut or other building, in or near any street, now having an external roof or wall made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after this Act comes into operation, unless with the consent in writing of the Justices; and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Justices, shall be liable to a penalty not exceeding ten Rupees for every day that such roof or wall shall continue. Any person may give information and institute a prosecution under this Section.

Houses in a ruinous and dangerous state.

CXLIII. If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Justices to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Justices shall cause all or so much of such house, building, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses incurred by the Justices shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

Sale of materials of ruinous houses.

CXLIV. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Justices may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall, on demand. The Justices, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to them for compelling the payment of the whole of the said expenses.

CXLV.- Repealed by Act VI of 1866 of the Bengal Council.

Penalty on occupier of a house not removing filth.

CXLVI. Whoever, being the occupier of a house within the Town, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable to a penalty not exceeding fifty Rupees for each offence.

CXLVII.—Repealed by Act VI of 1866 of the Bengal Council.

Power to trim hedges and trees bordering roads.

CXLVIII. The Justices may give notice to the owner or occupier of any land, to trim or prune the hedges thereof bordering any public road or street, so that they may not exceed the height of seven feet from the level of the road: and to cut and trim all trees which, by overhanging any public road or street, obstruct the passage or cause damage thereto; and in the event of such notice not being complied with within eight days from the date thereof, the Justices may cause the said hedges and trees to be cut and trimmed in the manner required, and the expense incurred by the Justices in respect thereof shall be paid to them by the owners, and shall be recoverable as hereinafter provided.

Keeping swine or cattle &c.

CXLIX. Whoever within the Town shall keep any pig-stye to the front of any street, not being shut out therefrom by a sufficient wall or fence, and whoever shall within the Town, without the permission of the Justices, keep more than ten swine, or more than twenty sheep or goats or ten horned cattle, shall be liable to a penalty not exceeding fifty Rupees.

Sewers, drains, etc., vested in the Justices.

CL. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the street, existing at the time this Act comes into operation or afterwards made, and whether made at the cost of the Justices or otherwise, and all works, materials, and things appertaining thereto, shall be vested in and belong to the Justices.

Powers of Justices in making public sewers.

CLI. The Justices, in making any main or other sewers for the drainage of the Town, may, if needful, carry such sewers through, across, or under any street, or any place laid out as, or intended for, a street, or any cellar or vault which may

be under any of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any inclosed or other land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Justices to repair and alter and close sewers.

CLII. The Justices shall maintain, and from time to time repair, and as they see fit, enlarge, alter, arch-over, or otherwise improve, all or any of the sewers and drains vested in them by this Act: and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided that, if, by reason of any thing done under this Section, any person is deprived of the lawful use of any sewer or drain, the Justices shall, at a place within one hundred feet of the sewer or drain of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Justices are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall, as the Justices shall direct; and if he neglect to do so within a reasonable time, the Justices may cause the same to be done, and the expenses thereby incurred shall be paid by the owner, and shall be recoverable as hereinafter provided. *

Proviso.

Cleansing and emptying sewers.

CLIII. The Justices shall, so far as funds at their disposal will admit, cause the sewers and drains belonging to them to be so constructed, maintained, and kept, as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same, they may construct and place, either above or underground, such reservoirs, sluices, engines, and other works as may be necessary; and they may also, with the sanction of the Government of Bengal, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purposes as may be deemed most expedient, but so that the same shall not become a nuisance.

Bed of stream receiving sewerage to be cleared.

CLIV. When the contents of any sewer or drain, or any other flow or filth or refuse, are discharged into any river or stream, in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Justices, with the sanction of the Government of Bengal, so far as the funds at their disposal will admit, shall make such alteration in the bed of such river or stream, as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

CLV.—Repealed by Act VI. of 1866 of the Bengal Council.

Building over sewers, etc., not to be erected without consent of the Justices.

CLVI. No building shall be newly erected over any sewer or drain vested in the Justices by this Act, without their written consent; and if any building be so erected, the Justices may cause such building to be pulled down, or otherwise dealt with as they may think fit; and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

Justices empowered to make drains from houses which are not properly drained.

CLVII. If any house or building within the Town and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Justices are empowered to empty their sewers, be at any time not drained to the satisfaction of the Justices by a sufficient drain or pipe communicating with some sewer, tidal river, or other place as aforesaid, the Justices may, if the owner neglects to do so within fifteen days after notice, construct or lay from such house or building, a covered drain or pipe, of such materials, of such size, at such level, and with such fall, as they shall think necessary for the draining of such house or building; and the expenses incurred by the Justices in respect thereof, if not forthwith paid by the owner, shall be recoverable as hereinafter provided. *

Level of houses hereafter built within the Town.

CLVIII. No house or building shall be hereafter built within the Town upon a lower level than will allow of the drainage of such house or building being led into some public sewer either then existing or projected, or into some tidal river or other place into which the Justices are empowered to empty their sewers.

Houses hereafter built to have drains constructed under the orders of the Justices.

CLIX. If any house or building, newly erected or re-built within the Town after this Act comes into operation, have such means of drainage, as in the last preceding Section mentioned, existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house or building, of such materials, of such size, at such level, and with such fall, as the Justices may direct; and if he neglect to do so within a reasonable time, the Justices may cause

* See Act VI of 1866 of the Bengal Council, Sections 85, 86.

the same to be done, and the expenses thereby incurred shall be paid by the owner, and shall be recoverable as hereinafter provided. *

Notice of new buildings to be given to the Justices.

CLX. Before beginning, within the town, to build or re-build any house, the person intending to build or re-build such house, shall give to the Jutices notice thereof in writing, and shall accompany such notice with a plan, shewing the levels at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Justices.

Justices to signify disapproval within fourteen days.

CLXI. Within fourteen days after receiving such notice, the Justices shall signify their approval of the proposed levels, or, if they disapprove thereof, they shall fix other levels in lieu thereof within the same time.

Houses built without notice, or contrary to provisions of this Act, may be altered by the Justices.

CLXII. If such building be begun or made without sending such notice and plan, or at any levels different from those fixed by the Justices within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Justices may, if necessary, cause such building to be altered or demolished as the case may require; and the expense thereby incurred shall be paid by the person failing to comply with the provisions aforesaid, and shall be recoverable as hereinafter provided.

If Justices fail to signify approval etc., within fourteen days, parties may proceed without.

CLXIII. If the Justices fail to signify in writing their approval or disapproval of the levels shewn on such plan as aforesaid, and to fix other levels within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding any thing hereinbefore contained, proceed to build or re-build the house therein referred to, according to the levels shewn on such plan, provided that such building or re-building be otherwise in accordance with the provisions of this Act.

Sewers in streets to be covered with traps, etc.

CLXIV. All sewers and drains in streets, whether public or private, shall be provided by the Justices, or by the persons to whom they severally belong, with proper traps or other coverings or means of ventilation, so as to prevent stench. If the owner of any private sewer or drain shall, for ten days after notice given to him by the Justices, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Justices may forthwith provide and apply the same; and the expense incurred thereby shall be paid by the owner of such sewer or drain, and shall be recoverable as hereinafter provided.

Power of Justices to erect or affix to building pipes for ventilation of sewers.

CLXV. The Justices may erect on, or fix to, any house or building, such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house or building, and erected so as not to occasion any nuisance or inconvenience to any house or building in the neighbourhood.

Throwing rubbish into sewers.

CLXVI. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes; garden kitchen, or stable refuse; or any broken glass or earthen-ware, or other rubbish, or, until suitable sewers shall be provided, any night-soil, into any sewer or drain belonging to any of the Justices, or into any drain communicating therewith, shall be liable to a penalty not exceeding fifty Rupees for each offence.

Common necessaries.

CLXVII. The Justices may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

Licensing of Public necessaries, and tola mehter's depots.

CLXVIII. The Justices may license, for any period not exceeding one year, such necessaries for public accommodation, and such tola mehter's depôts as they, from time to time, may think proper; and whoever keeps any public necessary, or any tola mehter's depôt without such license, or, having a license for a public necessary or tola mehter's depôt, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleaning the same, shall, on conviction before a Justice of the Peace, be liable to a penalty not exceeding one hundred Rupees, and the license may be cancelled by the Justice before whom the person is convicted. Provided, also, that it shall be lawful for the Justices at any time, on giving one month's notice, to cancel any license granted under this Section, if it shall seem proper to them to cancel it.

Neglecting to enclose private privy.

CLXIX. The owner or occupier of any house or building having a privy on his premises, shall have such privy shut out by a sufficient roof, and wall or fence from the view of persons passing by or residing in the neighbourhood: and it shall not be lawful for any owner or occupier to keep any privy with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this Section, shall be liable to a penalty of ten Rupees a day for each day of default or breach. Provided that the Justices may, in their discretion, permit the continu-

* See Act VI of 1860 of the Bengal Council, Sections 35, 80.

ance, for such time as they may fix, of any such privy with a door or trap-door opening on to any street, where such privy already exists and does not create a nuisance.

Branch-drains, privies, &c. to be under the control of the Justices, and to be kept in good order by owners.

CLXX. All branch-drains, as well within as without the lands or buildings to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Justices, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same into good order, in the manner required by the Justices, the Justices may cause such drain, privy, or cess-pool to be altered, repaired, and put in good order, and the expense incurred by the Justices in respect thereof, shall be paid by the owner, and shall be recoverable as hereinafter provided.

If owners neglect, Justices may cause the same to be done and charge the owners with the expense.

Penalty for persons making or altering drains &c., contrary to the orders of the Justice.

CLXXI. If any such drain, privy, or cess-pool be constructed after this Act comes into operation, contrary to the directions and regulations of the Justices or contrary to the provisions of this Act, or if any person, without the consent of the Justices, constructs, re-builds, or unstops, any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees; and the Justices may cause such amendment or alteration to be made in any such drain, privy, or cess-pool, as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess pool was improperly constructed, re-built, or unstopped, and shall be recoverable from him as hereinafter provided.

Inspection of drains, privies, and cess-pools.

CLXXII. The Justices, or any Officer appointed by them for the purpose, may inspect any such drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the premises to which such drain, privy, or cess-pool is attached, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be; and if, upon such inspection, it appears that the drain, privy or cess-pool is not in good order and condition, or that it has been constructed after this Act comes into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong, and shall be recoverable as hereinafter provided: but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Justices or Officer as aforesaid shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing, and making good, such drain, privy, or cess-pool, shall, in that case, be defrayed by the Justices. Provided, always, that nothing hereinbefore contained shall authorize an entry into the zenanas or private apartments appropriated to the females of Hindoo and Mussulman families, for the purpose of such inspection, except by the agency of women.

Proviso.

Service of notice on owners and occupiers of buildings and lands.

CLXXIII. Where any notice is required by this Act to be given to the owner or occupier of any building or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such building or land, or left with some adult male member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put upon some conspicuous part of such building or land; and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that, when the owner and his residence are known to the Justices it shall be their duty, if such owner be residing within the limits of their authority, to cause every notice, required to be given to the owner of any building or land, to be served on such owner or left with some adult male member or servant of his family; and, if the owner be not resident within such limits, they shall send every such notice by post addressed to his residence, and proof of delivery of the notice at the Post Office, shall be held to be due service of the same.

Justices, in defaul of owner or occupier may execute workt and recover expenses.

CLXXIV. Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such works, the Justices, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expense thereby incurred shall be paid to them by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Power to lee ch arges on occupi who may deduct the same from his rent.

CLXXV. If the defaulter be the owner of the building or land, the Justices may, by way of additional remedy, whether any action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the building or land under such owner,

and, in default of payment thereof by such occupier on demand, the same may be levied by distress of the goods and chattels of such occupier; and every such occupier shall be entitled to deduct, from the rent payable by him to his landlord, so much as is so paid by, or recovered from him in respect of any such expenses.

Occupier not to be liable for more than the amount of rent due.

CLXXVI. No occupier of any building or land shall be liable to pay more money, in respect of any expenses charged by this Act on the owner thereof, than the amount of rent due from him, for the premises in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Justices, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable, but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall lie upon such occupier; provided, further, that nothing herein contained shall be taken to affect any special contract, made between any such owner or occupier, respecting the payment of the expenses of any such works as aforesaid.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

CLXXVII. Whenever default is made by the owner of any building or land, in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Justices, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Proceedings in case of tenants opposing the execution of this Act.

CLXXVIII. If the occupier of any building or land prevent the owner there of from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace, upon proof thereof, may give an order in writing, requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty Rupees; and every such owner, during the continuance of such refusal, shall be discharged from any penalties, to which he might otherwise have become liable by reason of default in executing such works.

Tanks, &c., vested in the Justices.

CLXXIX. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, existing at the time this Act comes into operation or afterwards made, laid, or erected, and whether made, laid, or erected at the cost of the Justices or otherwise, and all bridges, buildings, engines, works, materials, and things, connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall be vested in, and belong to the Justices.

Construction and maintenance of works for supply of water.

CLXXX. The Justices shall cause all existing public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, used for the supply of water to the inhabitants, or for the other purposes mentioned in this Act, to be continued, maintained, and supplied with water; or they shall substitute other such works, and shall cause them to be maintained and supplied with water; and the Justices may, with the sanction of the Government of Bengal, from time to time, construct aqueducts and lay pipes for bringing water into the Town, and may provide any number of new tanks, reservoirs, cisterns, wells, and other such water-works for the purpose aforesaid.*

Fouling water by bathing.

Washing animals or things &c.

Throwing rubbish, &c.

Allowing drains &c., to flow into.

CLXXXI. Whoever, except as permitted by the Justices under Section CLXXXIV, bathes in any stream, tank, reservoir, well, cistern, conduit, or aqueduct belonging to the Justices, or washes, or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal, or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or be brought thereinto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him or flowing from any house or building, or from any ground occupied by him; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted---shall be liable to a penalty not exceeding fifty Rupees for each offence.

* See Act I of 1867 of the Bengal Council.

Water fouled by offensive trades.

CLXXXII. Whoever, being the proprietor or any gas-works, or being engaged or employed in the manufacture or supply of gas, or being the occupier or proprietor of any place where an offensive trade or manufacture is carried on, wilfully does any act connected with the said business, whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works, belonging to the Justices, is fouled or corrupted, shall be liable to a penalty not exceeding one thousand Rupees, and to a further penalty, not exceeding five hundred Rupees, for every day while the offence is continued, after twenty-four hours' notice in writing from the Justices in this behalf, and the Justices may, after twenty-four hours' notice in writing, lay open and examine any pipes conduits, and works belonging to such persons; and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be, and be recoverable from him as hereinafter provided; but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Justices.

CLXXXIII.—Repealed by Act VI of 1866 of the Bengal Council.

Justices may set apart bathing places &c.

CLXXXIV. The Justices may, at their discretion, set apart any public ghaut or place, or any part of the strand of any river (not being private property), for the purpose of being used as a bathing place: and may also provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in, and may also set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

Bye-laws to regulate—

CLXXXV. The Justices may, in the manner hereinafter provided, make bye-laws—

The use of water.

For regulating all or any matters and things whatsoever connected with the water to be supplied by them, and the use of such water for any of the purposes mentioned in this Act;

Bathing places.

And for regulating the time and places of bathing for persons of each sex, in the places provided or appointed by them for the purpose of bathing, in such manner as shall appear to the Justices necessary, making due allowance for the habits and customs of the country.

Power to fill up unwholesome tanks, &c., on private premises.

CLXXXVI. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Justices to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Justices to require, by notice in writing, the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during eight days from the service thereof, the Justices, their Officers, and workmen, may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid, as they shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Power to drain off, and cleanse, stagnant pools in open places.

CLXXXVII. The Justices are hereby empowered, from time to time, as they shall see fit, to drain off into any sewers belonging to them, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure), which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Justices, their Officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

Justices, in executing works, to provide roads etc., where existing ones are injured.

CLXXXVIII. The Justices, in executing any works directed or authorized by this act to be made, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels, in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and, in case of any difference arising between the Justices respectively and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Justices breaking up street, to restore the same with all convenient speed.

CLXXXIX. When the pavement or surface of any street, or when any sewer or drain, shall be opened or broken up by the Justices, their Officers, or servants, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain, so opened or broken up, and carry away the rubbish occasioned thereby; and shall, in the meantime, cause the place where such pavement or surface shall be so opened or broken up, to be fenced and guarded, and sufficiently lighted during the night.

Situation of gas and water pipes to be altered at the expense of the Justices.

CXC. If the Justices deem it necessary, for the purposes of this Act, to raise sink, or otherwise alter, the situation of any water-pipe or gas-pipe, or other water-works or gas-works, laid in any of the streets, they may, from time to time, by notice in writing, require the person to whom any such pipes or works belong, or under whose control they may be, to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Justices direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby shall be paid by the Justices, as well to the persons to whom such pipes or works belong, as to all other persons. And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

If owner, etc., neglect to make alterations, the Justices may cause the same to be made.

CXCI. If the person to whom any such pipes or works belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered, in such manner as the Justices require, the Justices may themselves cause such pipes or works to be raised, sunk, or altered, as they may think fit, provided that such works be not permanently injured hereby, or the water or gas prevented from flowing as freely and conveniently as before.

Hoards to be set up during repairs.

CXCII. Every person intending to build or take down any building, or to alter or repair the outward part of any building, where any street or footway will be obstructed or rendered inconvenient by means of such works, shall, before beginning the same, and having first obtained a license in writing from the Justices so to do, cause sufficient hoards or fences to be put up, in order to separate the building, where such works are being carried on, from the street or footway, and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Justices, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night: and every such person, who begins to build, or to take down, or alter, or repair, any building contrary to the provisions of this Section, or who, without license, erects, or sets up any hoards, scaffolding, or fence whatsoever, or who, being licensed, fails, to put up such fence or hoard, or to continue the same standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night, or who does not remove the same, when directed by the Justices, within eight days, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty, not exceeding fifty Rupees, for every day while the offence is continued, after twenty-four hours' notice from the said Justices.

Bars to be erected across streets during repairs, and lights placed at night.

CXCIII. The Justices shall, during the construction or repair by them of any of the streets, sewers, or drains vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets to prevent the passage of carriages, carts, or other vehicles, cattle or horses, while such works are carried on, as to them shall seem proper; and the Justices shall cause any sewer or drain or other works in streets; during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night; and whoever takes down, alters, or removes, any of the said bars, chains, or posts, or extinguishes any light, without the authority or consent of the Justices shall be liable to a penalty not exceeding fifty Rupees.

Penalty for not lighting deposits of building materials or excavations.

CXCIV. No persons shall deposit any building materials, or make a hole, in any street, without the permission of the Justices; and when such permission is granted to any person, he shall, at his own expense, cause such materials, or such hole, to be sufficiently fenced and enclosed, until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night; and whoever deposits materials, or makes a hole, without such permission, or fails to fence or enclose, and light, such materials or hole, or does not remove such materials, or fill up such hole, when the permission has been withdrawn, shall be liable to a penalty not exceeding fifty Rupees, and a further penalty, not exceeding fifty Rupees, for every day while the offence is continued, after twenty-four hours' notice from the Justices.

Dangerous places near streets to be repaired or enclosed.

CXCV. If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Justices shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure, shall be paid to the Justices by the owner of the property so repaired, protected or enclosed, and shall be recoverable as hereinafter provided.

No place shall be used as a slaughter-house without a license from the Justices.

CXCVI. No place shall be used as a slaughter-house within the Town, unless a license in writing for the use thereof as a slaughter-house has been obtained from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever, without such license, uses as a slaughter-house any place within the Town, shall be liable to a penalty not exceeding two hundred Rupees, and to a penalty, not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued.

Justices to provide places for slaughter-houses.

CXCVII. The Justices may, from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places for the purpose of being used as slaughter-houses, and they may, in the manner hereinafter provided, make bye-laws for, and with respect to, the management, regulation, and charges for the use of such places.

Markets, slaughter-houses, etc., to be properly drained.

CXCVIII. Every owner, or occupier, or farmer, of any market for the sale of butcher's meat, poultry, fish, or vegetables, or of any slaughter-house, within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Justices, and (if required so to do by the Justices) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such market or slaughter-house in a clean and wholesome state; and if such owner, occupier, or farmer after notice in writing given to him by the Justices that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty, not exceeding fifty Rupees, for every day during which such default is continued.

Justices may make bye-laws for the inspection of slaughter-houses.

CXCIX. The Justices may, in manner hereinafter provided, make bye-laws for the inspection of all such markets, and of all slaughter-houses, within the Town, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once every twenty-four hours.

Sale of unwholesome food or drink.

CC. It shall be lawful for any Justice of the Peace, on the application of the Justices or any of their Officers, setting forth that there is just cause to believe that any article which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale within the Town as food or drink for man, to grant a warrant to enter upon the premises of such person, and to search for and seize such article, and if it appear to the said Justice, upon the evidence of a competent person, that the same is noxious or unfit for such use, he shall order such article to be forfeited and disposed of in such way as to him shall seem proper.

Power to Justices to enter and inspect slaughter-houses, shops, &c., and to seize unwholesome articles exposed for sale.

CCI. The Justices, or any person appointed by them for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein; and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables, appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Justice of the Peace, upon the evidence of a competent person, that such animal, carcase, meat, poultry, game, flesh, fish, or vegetables, is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food, and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

Suspension or revocation of license, &c.

CCII. The Justice of the Peace, before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made by virtue of this Act, in addition to the penalty imposed on such person under the authority of this Act, may suspend, for any period not exceeding two months, the license granted to such person under this Act; and the said Justice, upon the conviction of any person for a second or other subsequent like offence, in addition to the penalty imposed under the authority of this Act, may declare the license granted under this Act revoked.

Penalty for using slaughter-houses during suspension or revocation of license.

CCIII. Whoever, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a penalty, not exceeding one hundred Rupees, for every day after the conviction for such offence, during which the said offence is continued.

Certain offence and dangerous trades carried on within the Town, to be registered.

CCIV. The owner or occupier of every place within the Town, used at the time this Act comes into operation for any of the following purposes, namely, for melting tallow -or for boiling offal or blood—or as a soap-house - oil-boiling house —dyeing house—tannery- -brick, pottery, or lime-kiln—sago manufactory—or other manufacture or place of business from which offensive or unwholesome smells arise —or as a yard or depôt for hay, straw, wood, or coal—shall, within three months after this Act comes into operation, register the same at the Office of the Justices, in a book to be kept by them for that purpose; and whoever, after the expiration of the said three months and after-eight days' notice from the Justices, uses any such place without the same being registered, shall be liable to a penalty, not exceeding one hundred Rupees, for every day during which the offence is continued.

Penalty for establishing such trades without license.

CCV. No place shall be newly used within the Town for any of the purposes mentioned in the last preceding Section, except under a license from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever, without a license, uses any such place for such purpose, shall be liable to a penalty not exceeding five hundred Rupees, and a penalty, not exceeding fifty Rupees, for every day after the conviction for such offence, during which the said offence is continued.

Justices to make rules for licensing, registering &c., places used for such trades.

CCVI. The Justices may, in the manner hereinafter provided, make bye-laws for the inspection of every place within the Town used for any of the purposes mentioned in Section CCIV, and for the management and conduct of such business, whether the same be newly established or not, in such manner as they may think necessary and proper, in order to prevent or diminish the noxious or injurious or offensive effect thereof.

Justices may in certain cases, order the use of slaughter-houses, and the carrying on of dangerous and offensive trades, to be discontinued.

CCVII. If it be shewn, to the satisfaction of the Justices, that any place licensed under Section CXCVI or CCV, or registered under Section CCIV of this Act, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month; and whoever, after the expiration of that time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a penalty, no exceeding two hundred Rupees, for every day during which it shall be so used.

Burial and burning grounds to be registered.

CCVIII. The Justices may, if they think fit, cause a survey and measurement to be made of every burial ground and every place used as such; and every such place, and every burning ground, existing at the time this Act comes into operation, shall, within one month after this Act shall have come into operation, be registered by the owner or the person having the control thereof, or, if there be no owner or person authorised to control the same, by order of the Justices, in a book to be kept by them for that purpose; and whoever, after the expiration of the said time, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not so registered as a burial or burning ground, shall be liable to a penalty not exceeding one hundred Rupees.

No vault or burial place henceforth to be constructed without leave of the Justices.

CCIX. No vault or grave shall be made within the walls of, or underneath, any church or chapel or other place of public worship built after this Act comes into operation, and no burial or burning ground, whether public or private, shall be opened, made, or formed, after this Act comes into operation, otherwise than by, or under the authority of, the Government of Bengal, without a license, describing the extent and boundaries thereof, first obtained from the Justices, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground, opened, made, or formed without such license or contrary to the terms thereof, shall be liable to a penalty not exceeding five hundred Rupees.

Justices to issue certificates prohibiting the use of improper burial and burning places.

CCX. If, upon the evidence of competent persons, the Justices, with the sanction of the Government of Bengal, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any churchyard or burial ground adjacent thereto, and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, it shall not be lawful, after a time (not less than two months) to be named in such certificate, to bury or burn, or permit or suffer to be buried or burned, any corpses, in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate; and whoever, after due publication of such certificate as hereinafter provided, buries or burns, or causes, permits, or suffers to be buried or burn-

ed, any corpse contrary to this enactment, shall be liable to a penalty not exceeding two hundred Rupees. Provided always that every such certificate shall be published in the Government Gazette, and that a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground. Proviso.

Justices may, in certain cases, permit interment in churches, &c.

CCXI. Notwithstanding any such certificate as in the preceding Section mentioned, where by usage or otherwise there is at the time this Act comes into operation any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any church-yard, burial ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment, has been purchased or acquired before this Act comes into operation, it shall be lawful for the Justices, if, on application made to them, they are satisfied that the exercise of such right or the use of such ground will not be injurious to health, to grant a license for such exercise or use, during such time and subject to such conditions and restrictions as they may think fit.

Justices may provide places to be used as burial or burning grounds.

CCXII. The Justices may, from time to time, out of the Municipal Fund, with the sanction of the Government of Bengal, provide fitting places to be used as burial or burning grounds.

CCXIII. The Justices may, in manner hereinafter provided, make bye-laws for the inspection and regulation of burial and burning grounds, and may thereby prescribe rules as to the depth of graves and places of interment, and generally as to all matters connected with the good order of burial and burning grounds, due regard being had to the religious usages of the several classes of the community.

Power to enter upon lands for the purposes of this Act.

CCXIV. The Justices shall, for the purposes of this Act, have power, by themselves or their Officers, between sunrise and sunset, to enter into and upon any building or land, as well for the purpose of making any survey or inspection which they may be entitled to make, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of any thing done in any part of such building or land in pursuance of this Act. Provided that, except when herein otherwise provided, the Justices or their Officers shall not enter upon any building or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of his or their intention to do so. Proviso.

Power to Justices to enter on lands adjacent to works.

CCXV. The Justices, or their Officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of, any works by this Act authorized to be made, for the purpose of depositing upon such land, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said land, to the owner and occupier thereof, from time to time, and as often as any such temporary occupation shall be taken or such temporary damage done, and making compensation to the owner, also, for the permanent injury (if any) to such land; and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses. Provided that, before the Justices make any such temporary use as aforesaid of the land adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owner and occupiers of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid, from the other land adjoining thereto. Proviso.

Penalty for obstructing persons employed by the Justices in their duty.

CCXVI. Whoever at any time obstructs or molests any person employed by the Justices, or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of any thing which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a penalty not exceeding two hundred Rupees, or, in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

Powers to be exercised by the Justices, when constructing drains and aqueducts without the Town.

CCXVII. For the purposes of laying pipes or constructing aqueducts for bringing water into the Town from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into, any public sewer, lake, stream, canal, or water-course without the said

limits, it shall be lawful, whenever a plan for laying any such pipes or constructing any such aqueduct, sewer, or drain, shall have been approved by the Government of Bengal, for the Justices and their Officers, with such assistants as they may require, to exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain, throughout the line of country through which the said pipes, aqueduct, sewer, or drain are to run, all the powers which by this Act it is lawful for them to exercise within the Town, and which may be necessary for the laying of such pipes or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any District, through which the said pipes, aqueduct, sewer, or drain are to run, to exercise, in respect thereof, the like powers and Jurisdiction within the limits of his own District, as it is, by this Act, lawful for a Justice of the Peace to exercise in respect of any work to be executed by the Justices within the Town.

Justices empowered to make bye-laws.

CCXVIII. It shall be lawful for the Justices from time to time to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter mentioned, for the several purposes for which bye-laws are authorised by this Act to be made; and also to make bye-laws, and to repeal, alter, and amend the same subject to such confirmation, for the guidance and control of persons employed by them, and for preserving order and cleanliness in the Town, and for carrying out any of the purposes of this Act. Provided that no such bye-law shall be repugnant to any law in force, and that no penalty for any one infringement of such bye-law shall exceed twenty Rupees, and that, in the case of a continuing infringement, no penalty shall exceed ten Rupees for each day, after notice from the Justices of such infringement.

Bye-laws to be confirmed.

CCXIX. No bye-law, or alteration of a bye-law, shall have effect until the same is confirmed by the Lieutenant-Governor of Bengal.

Notice of confirmation.

CCXX. No bye-law or alteration of a bye-law, shall be confirmed until the same has been published in Government Gazette in English and in Bengalee at least seven times, nor till the space of one month has elapsed since the date of the first publication, during which period a copy of such proposed bye-law shall be kept at the Office of the Justices; and all persons may, at any time between ten o'clock in the morning and five o'clock in the afternoon, inspect such copy without fee or reward.

Publication of bye-laws.

CCXXI. Such bye-laws, when confirmed, shall be published in the Government Gazette in English and in Bengalee, and a copy thereof, in English and in Bengalee, shall be painted or placed on boards, which shall be hung up in some conspicuous part of the Office of the Justices.

Bye-laws to be judicially noticed.

CCXXII. All Courts and Magistrates shall take judicial notice of such bye-laws when the same shall have been confirmed and published as aforesaid.

Publication of penalties.

CCXXIII. The Justices shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-law made under this Act, and of the amount of every such penalty, and shall cause such particulars, in English, Bengalee, and Oorddo, to be painted or placed on boards, which shall be hung up in some conspicuous part of the Office of the Justices.

Justices may direct Prosecutions.

CCXXIV. The Justices may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund. But nothing in this Section shall be held to hinder any person from prosecuting any other person for any nusiance.

Act not to effect nuisances at common law.

CCXXV. Nothing in this Act shall be construed to render lawful any act or omission on the part of any person, which is, or but for this Act would be deemed to be, a nuisance at common law, nor to exempt any person, guilty of a nuisance at common law, from prosecution or action in respect thereof.

No action to be brought against Justices or their Officers until after one month's notice of cause of action.

CCXXVI. No action shall be brought against the Justices, or any of their Officers, or any person acting under the direction of the Justices, for any thing done or intended to be done under the powers of this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the Office of the Justices, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and upon the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action, except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards: and if any person to whom any such notice of action is given, shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not

recover in any such action when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

Power to make compensation out of the Municipal Fund.

CCXXVII. The Justices may make compensation, out of the Municipal Found, to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Justices, their Officers, or servants, under and by virtue of this Act.

Fees for licenses.

CCXXVIII. When any license is granted under the provisions of Sections CLXVIII or CXCVI of this Act, authorizing the use of any place for any of the purposes therein described, and when permission is given under Section CXXV for making any temporary erection, or under Section CXLI for putting up any projection, the Justices may charge a fee for such license or permission; and the rates of the fees to be so charged shall be from time to time adjusted by the Justices with the sanction of the Government, provided that no such fee shall exceed the some of one hundred Rupees. When permission or license is given, for the temporary occupation of any ground belonging to the Justices, under the provisions of Section CXCII or Section CXCIV, the Justices may charge rent for such ground, according to the time the occupation may continue, at such rates as may, from time to time, be sanctioned by the Government of Bengal.

Damages and expenses how to be determined.

CCXXIX. In all cases where any damages, costs, or expenses are by this Act directed to be paid, the amount of the same, in case of dispute, shall be ascertained and determined by a Judge of the Calcutta Court of Small Causes.

Method of proceeding before a Judge of a Court of Small Causes.

CCXXX. In any case referred to a Judge of a Court of Small Causes under this Act, it shall be lawful for the said Judge, on the application of either party, to summon the other party to appear before him, at a time and place to be named in such summons, and every such summons shall be served by delivering the original, or a copy thereof, to the person summoned, or by leaving the same at his usual or last known place of abode, with some adult male member or servant of his family. Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such Judge to hear and determine such question, and, for that purpose, to examine such parties or any of them, and their witnesses, on oath; and the costs of every such enquiry shall be in the discretion of such Judge, who shall determine the amount thereof.

Recovery of damages by distress.

CCXXXI. If the amount of damages, costs, or expenses, ascertained in the manner above described, be not paid by the party liable to pay the same, within seven days after demand, such amount may be recovered, under a warrant of the said Judge, by distress and sale of the goods and chattels of such party; and the overplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

Justices may sue in any competent Court instead of realizing by, or on failure of, distress.

CCXXXII. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Justices may sue the person liable to pay the same, in any Court of competent jurisdiction.

Recovery of fines and penalties.

CCXXXIII. *Clause* 1.—Every prosecution under this Act may be instituted before any Justice of the Peace, except in cases otherwise provided for; and every fine or penalty imposed under or by virtue of this Act or any bye-law made in pursuance thereof, may be recovered by a summary proceeding before a Justice of the Peace, upon information exhibited by order of the Justices, and, in default of payment of such fine or penalty, the same may be levied, under the warrant of such Justices of the Peace, by distress and sale of the goods of such offender, with all such powers for the issuing of such warrant, and upon the return thereof, as are exercised by a Magistrate of Police under Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay,*) and Act XLVIII of 1860 (*to amend Act XIII of* 1856,) or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Proviso.

Clause 2.—Every prosecution under Clause 2 of Section XVII of this Act, shall be instituted in such manner as a prosecution under Section CLXI of the Indian Penal Code would be instituted, and before such Magistrate or Court as shall have authority to entertain charges and prosecutions in reference to the said last mentioned Section, and not otherwise.

How fines and penalties are to be applied.

CCXXXIV. The Justice of the Peace by whom any fine or penalty is imposed by virtue of this Act, may award any portion, not being more than one-half thereof, to the informer, and shall order the remainder—or, if he make no award

to the informer, the whole of such fine or penalty,—to be paid to the Justices, to be by them applied to the purposes of this Act.

No person liable to fine or penalty unless complaint be made within two months after offence committed.

CCXXXV. No person shall be liable to any fine or penalty under this Act for any offence made cognizable before a Justice of the Peace, unless the complaint respecting such offence shall have been made before a Justice of the Peace within two months next after the commission of such offence.

Damage to the Justices' property to be made good in addition to penalty.

CCXXXVI. If, through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the Justices shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty; and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom the party incurring such penalty shall have been convicted; and on non-payment of such damage on demand, the same shall be levied by distress, and such Justice of the Peace shall issue his warrant accordingly.

Police Officers to report offences to Justices, and to arrest unknown offenders.

CCXXXVII. It shall be the duty of all Police Officers to give immediate information to the Justices, of any offence committed contrary to the provisions of this Act. Any Police Officer may arrest any person committing in his view any offence against any of the provisions of this Act, if the name and address of such person be unknown to him, or if such person decline to give his name and address, or if the Police Officer in question shall have reason to doubt the accuracy of such name and address, if given; and such person may be detained at the Station House until his name and address shall be correctly ascertained.

Certain provisions of this Act extended.

CCXXXVIII. If the Lieutenant-Governor of Bengal shall have determined that any portion of the environs of the Town shall be included in the system of sewerage and drainage authorized by this Act, and if the said Lieutenant-Governor shall have declared the boundaries thereof by Notification in the Calcutta Gazette, then Sections CL to CLXVI, both inclusive, of this Act, shall have effect within the boundaries so declared; and all such expenses and compensation as, under the said Sections and by the provisions of this Act, may be determined by a Judge of the Calcutta Court of Small Causes, may be ascertained and determined by the Judge of the Court of Small Causes having jurisdiction within such boundaries; and all penalties payable under the said Sections and under the provisions of this Act, shall be enforced in the manner prescribed by Section LXI of the Code of Criminal Procedure, before the Magistrate having Jurisdiction within such boundaries.

Recovery of expenses on account of improvements to private property.

CCXXXIX. Whenever the Justices shall have incurred any expenses in the execution of any of the works which under Sections CXXX, CLVII, and CLIX of this Act, the owners of any premises, houses, or buildings are required to execute, the Justices may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding five years, and such sums, when due, may be recovered by the same process by which rates may be recovered under this Act.

Commencement of Act.

CCXL. This Act shall commence and take effect on and from the first day of July 1863.

SCHEDULE A,—(*referred to in Section XXXVII.*)

TAX ON CARRIAGES, HORSES, PONIES, AND MULES.

	Rupees per half year.
For every 4-wheel Carriage on springs, drawn by 2 horses ...	12 0 0
If more than one such Carriage, then for every such Carriage after the first, two-thirds of the above rate.	
For every 4-wheel Carriage on springs, drawn by one horse, or pony, or a pair of ponies under thirteen hands	6 0 0
If more than one such Carriage, then for every such Carriage after the first, two-thirds of the above rate.	
For every 2-wheel Carriage on springs	6 0 0
For every Horse *(not a Race Horse)*	6 0 0
For every Race Horse	12 0 0
For every Pony under thirteen hands, or Mule	2 0 0
Ponies under eleven hands, and Children's Carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted.	

SHCEDULE B,—*(referred to in Sections XLVII and LI)*

LICENSE ON PROFESSIONS, TRADES, AND CALLINGS.

Class I.

	Yearly.
Every Joint Stock Company	100 Rs.

Class II.

Every Merchant, Banker, Shroff, Banian, Wholesale Trader, and Commission Agent, and every Practising Surgeon, Physician, Dentist, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Pleader of the High Court	50 Rs.
Every Owner or Farmer of a Haut or Bazar	
Every Owner of Cotton, Jute, Hide, or other Screws, and every Auctioneer	
Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, or Trader, whose shop or place of business is assessed under Section LV at 100 Rupees a month or upwards ...	

Class III.

Every Broker or Daloll employed in the wholesale transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares, and Bills of Exchange, or in procuring Freight ...	25 Rs.
Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon	
Every keeper of a Spirit Shop, Punch House, or Billiard Room, Wholesale Tobacco or Jute Depôt...	
Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer, or Trader, whose shop or place of business is assessed under Section LV at more than 25 Rupees, but less than 100 Rupees a month...	
Every Pawn-broker, and every person having a shop or place of business registered under Section CCIV or CCV	
Every Pleader, Mookhtear, or Law Agent, not included in Class II ...	

Class IV.

Every Hotel-keeper, Boarding and Lodging-house keeper, Shop-keeper, Manufacturer, or Trader, whose shop or place of business is kept in a Brick-house, but not included in Class II or Class III	12 Rs.
Every keeper of a permanent Stall at a daily public Market or in a Chowk	
Every Poddar or Money Changer	
Every Hakeem, Koberaj, and Native Doctor, not included in any other Class	

Class V.

Every keeper of a Shop not included in any other Class, and every Daloll not included in Class III	4 Rs.
Every Pedlar, Hawker, and Boxwallah	

Class VI.

All other itinerant dealers ...	1 „

NOTE.—A person who carries on several kinds of business and may come under more than one of the designations in this Schedule, shall be chargeable only under one of such designations, at the discretion of the Justices; and in the case of a Firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the Firm.

SCHEDULE C,—*(referred to in Section LXXX.)*

NOTICE OF DEMAND.

TAKE notice that the Justices of the Peace for the Town of Calcutta demand from you the sum of due from * [you] as owner *(or occupier) (here describe the property or thing upon which the rate or tax is imposed)* for the months of 186 ; and that, if the sum due, together with for this notice, is not paid into the Office of the said Justices at or if sufficient cause for the non-payment of the sum is not shewn to the Justices within seven days from service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(L. S.) *(Signature of the Chairman, Vice-Chairman, or Secretary.)*

Date———————

SCHEDULE D,—*(referred to in Section LXXX.)*

DISTRESS WARRANT.

To *(here insert the name of the Officer charged with the execution of the warrant.)*

WHEREAS of has not paid or shewn sufficient cause for the non-payment of the sum of Rupees due for the rates *(or taxes) (or rates and taxes)* mentioned in the margin for the months of (186 although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand ; This is to command you to distrain the goods and chattels of the said *(or as the case may be, any goods chattels found on the premises referred to)* to the amount of the said sum of

Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within seven days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels ; and having paid and deducted out of the proceeds of the sale, the said sum of Rupees and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said , you are to certify the same to us together with this Warrant.

(L. S.) *(Signature of the Chairman, Vice-Chairman, or Secretary.)*

SCHEDULE E,—*(referred to in Section LXXXI.)*

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

TAKE notice that I have this day seized the goods and chattels specified in the above Inventory for the sum of Rupees due for the rates *(or taxes)* mentioned in the margin for the months of 186 ; and that, unless you pay into the Office of the said Justices of the Peace for the Town of Calcutta the amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Officer executing the Warrant of distress.)

Date———————

* In the case of a demand under Section LXXXIV, state that notice of demand has been served upon the Owner, and that the sum due remains unpaid.

TABLE OF FEES PAYABLE IN DISTRAINTS UNDER THIS ACT,—*(referred to in Section LXXXII.)*

Sum distrained for.			Fee.	
			Rs.	As.
Under 5 Rupees	... ...		0	8
5 and under 10 Rupees	... ...		1	0
10	15 „		1	8
15	20 „		2	0
20	25 „		2	8
25	30 „		3	0
30	35 „		3	8
35	40 „		4	0
40	45 „		4	8
45	50 „		5	0
50	60 „		6	0
60	80 „		7	8
80	100 „		9	0
Above	100 „		10	0

The above charge includes all expenses, except when Peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

SCHEDULE F.—*(referred to in Section XCIII.)*

FORM OF DEBENTURE.

THE Justices of the Peace for the Town of Calcutta.

Calcutta, the 186 .

No.

By virtue of the Act No. VI of 1863 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, we, the Justices of the Peace for the Town of Calcutta, incorporated under the said Act, in consideration of the sum of Rupees paid to us by A. B. of, promise to pay to the said or order the said sum of Rupees after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of

(Signature of the Chairman or Vice-Chairman and two Justices of the Peace.)

SCHEDULE G.—*(referred to in Sections XCVI and XCVII.)*

18 BIRTHS IN THE DISTRICT OF

No.	When born.	Nationality or Caste.	Name, if any.	Sex.	Name of Father.	Profession of Father.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

SCHEDULE H.—*(referred to in Sections XCVI and XCVII.)*

18 DEATHS IN THE DISTRICT OF

No.	When died.	Nationality or Caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, description, and residence of Informant.	When registered.	Signature of Registrar.

ACT NO. I OF 1864.

An Act for regulating Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta.

(REPEALED BY ACT V OF 1866 OF THE BENGAL COUNCIL.)

ACT NO. II OF 1864.*

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 11th February 1864, and of the Governor-General on the 24th idem.

An Act for the regulation of Jails and the enforcement of discipline therein.

1. Laws repealed.
2. Interpretation.
"Magistrate of the District." "Magistrate." "The powers of a Magistrate." "Criminal Court." "District." "Division of a District." "Gender." "Number."
3. Civil and Criminal Jails to be maintained in every District.
4. Central Jails to be maintained.
6. Central Jail to be under control of a Superintendent, who shall be invested with the powers of a Magistrate.
7. Government to make Rules and appoint Visiting and Medical Officers.
8. Lieutenant-Governor to appoint a person or persons to inspect and superintend Jails.
9. A Jailor to be appointed for every Jail.
10. Discharge of prisoners.
11. Release of prisoners in certain cases.
12. Temporary shelter of prisoners when Jail is overcrowded, or in case of disease spreading therein.
13. Property of prisoner to be taken charge of during his imprisonment. Proviso.
14. Classification of prisoners.
16. Persons employed in Jails to be subject to Rules made by Government.
17. Punishment for taking or attempting to take prohibited articles into a Jail.
18. Punishments awarded for breaches of Jail discipline to be recorded in a book. No further punishment for the same offence. Offender may be committed to the Sessions.
19. This Act not to affect Act IV of 1862.
20. Commencement of Act.

Preamble. WHEREAS it is expedient that the laws relating to Jails in the Provinces under the control of the Lieutenant-Governor of Bengal should be consolidated and amended; It is enacted as follows:—

Laws repealed. I. Sections XX, XXI, and XXV of Regulation IX of 1793; Sections I, II, III, IV, V, VI, VII, VIII, X, and XIV of Regulation XIV of 1816; so much of Clauses 2, 3, 4, 5, 6, and 7 of Section VII of Regulation XVII of 1816 as relates to the appointment of Jailors and persons employed in Jails; and Clauses 4 and 5 of Section XVII, and Sections XVIII and XX of the same Regulation; Regulation III of 1826; Section VII of Regulation II of 1834; Section VII of Act XXIV of 1837; Section VIII of Act XXIII of 1840; and Act XVIII of 1844;—so far as they relate to the Bengal Division of the Presidency of Fort William shall cease to have effect, except so far as they repeal or modify the whole, or part of, any other Regulation or Act.

Interpretation. II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction, that is to say—

"Magistrate of the District." The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District or place in criminal matters by whatever designation such Officer is called.

* Sections III to VIII of Act V, 1865 of the Bengal Council to be read with and taken as part of this Act.

"Magistrate."

The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate."

The words "the powers of a Magistrate" shall imply the full powers of a Magistrate.

"Criminal Court."

The words "Criminal Court" shall denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases whether for the decision of such cases in the first instance or on appeal, or for commitment to any other Court or Officer.

"District."

The local jurisdiction of the Magistrate of a District or place shall, for the purposes of this Act, be deemed a "District," and the local jurisdiction in a particular part of a District vested in a Magistrate other than the Magistrate of the District, shall be deemed a "Division of a District."

"Division of a District."

Words importing the masculine gender shall include the feminine, and words importing the singular number shall include the plural.

Gender.

Number.

III. In every District there shall be maintained a Civil Jail, and a Criminal Jail, for the imprisonment of persons lawfully committed to such Jails respectively. Jails of the like description shall be maintained in every Division of a District wherein the Government of Bengal may deem them to be necessary.

Civil and Criminal Jails to be maintained in every District.

IV. In such places as the Government shall appoint, there shall be maintained Central Jails for the imprisonment therein of such persons committed to prison by Criminal Courts as the Government may deem to be proper subjects for such imprisonment.

Central Jails to be maintained.

V. Repealed by Act V of 1865 of the Bengal Council.

VI. Every Central Jail shall be under the control of a Superintendent to be appointed by the Government, and such Officer shall be invested with the powers of a Magistrate to be exercised for the purposes of this Act.

Central Jail to be under control of a Superintendent, who shall be invested with the powers of a Magistrate.

VII. The Government shall from time to time make such Rules as may appear necessary for the supervision, employment, custody, dieting, and treatment of prisoners, and for the management of Jails; and shall from time to time appoint such Visiting and Medical Officers for Jails as may be considered necessary for securing the observance of such Rules and for the due care of the prisoners. The Commissioner of the Division and the Judge of the District shall respectively be Ex-officio Visiting Officers within the Division or District.

Government to make Rules and appoint Visiting and Medical Officers.

VIII. The Lieutenant-Governor of Bengal shall appoint such person or persons as he shall think fit to inspect and superintend, subject to the orders of the Government, the Jails in every District in the said Provinces, and shall vest in such person or persons such authority for the purpose as may seem proper.

Lieutenant-Governor to appoint a person or persons to inspect and superintend Jails.

IX. Under such Rule as the Government shall prescribe in this behalf there shall, for every Jail, be appointed a Jailor.

A Jailor to be appointed for every Jail

X. No prisoner shall be discharged except in presence of the Officer in whom the control of the Jail shall be vested, or of a Magistrate.

Discharge of prisoners.

XI. Under such Rule as the Government shall prescribe in this behalf, it shall be lawful for the Officer in whom the control of a Jail shall be vested, to order the immediate release of any prisoner suffering from disease likely to cause death.

Release of prisoners in certain cases.

XII. Whenever it shall appear to the Government that the number of prisoners in any jail is greater than can conveniently or safely be kept within such Jail, or whenever any epidemic disease may make its appearance within such Jail, it shall be lawful for the Officer in whom the control of such Jail shall be vested to provide, in such manner as the Government may order, for the temporary shelter and safe custody of such prisoners as may be in excess of the greatest number that can be conveniently or safely kept in the Jail, or of prisoners who would be at the risk of suffering from such disease. Prisoners for whom such temporary shelter may be provided shall be subject to the same Rule as if they were within the Jail.

Temporay shelter of prisoners when Jail is overcrowded, or in case of disease spreading therein.

XIII. All property or money in respect whereof no order of a competent Court shall have been made, which shall be delivered with or found upon the person of a prisoner sentenced by a Criminal Court when received into a Jail shall, during such prisoner's term of imprisonment, be taken charge of by the Officer in whom the control of the Jail shall be vested, under such Rule for the safe custody thereof as the Government shall prescribe. Provided that such Officer may, at his discretion, make over such property or money belonging to the prisoner to whomsoever such prisoner may indicate.

Property of prisoner to be taken charge of during his imprisonment.

Proviso.

XIV. Prisoners shall be classified and kept apart and in separate confinement in such manner as the Government shall by Rule prescribe. Provided that male prisoners of all classes shall be kept apart from female prisoners; prisoners committed to the Civil Jail from prisoners committed to the Criminal Jail; and prisoners convicted of offences from prisoners not convicted.

Classification of prisoners.

XV. Repealed by Act V of 1865 of the Bengal Council.

Persons employed in Jails to be subject to Rules made by Government.

XVI. All persons employed within any Jail or in keeping prisoners in custody shall be subject to such Rules as may be made by the Government for their good order and discipline and for regulating communication with prisoners, and it shall be lawful for the Government to affix fines as penalties for the breach of any such Rules, provided that no such penalty shall exceed fifty Rupees. Copies of such Rules shall be exhibited in some place to which all persons employed within the jail or in keeping prisoners in custody have access, and the Officer in whom the control of the Jail shall be vested shall have authority to punish persons offending against such Rules.

Punishment for taking or attempting to take prohibited articles into a Jail.

XVII. Whoever, without due permission, takes or attempts to take, or introduces or attempts to introduce, or throws or attempts to throw, into any part of a Jail, any article prohibited by the Rules to be made under this Act, or communicates or attempts to communicate with any prisoner in any mode contrary to such Rules, shall be liable to be apprehended and brought before a Magistrate, and on conviction shall be liable to a fine not exceeding fifty Rupees, or to imprisonment, simple or rigorous, for any term not exceeding two months.

Punishments awarded for breaches of Jail discipline to be recorded in a book. No further punishment for the same offence.

Offender may be committed to the Sessions.

XVIII. The Officer in whom the control of a Jail shall be vested shall keep a book, in which he shall record all cases of punishments inflicted by him under this Act, stating the charge, the manner in which it was supported by evidence, and the order made. And no person who has been punished by such Officer under the provisions of this Act shall be punished in any other way or by any other authority for the same offence. Provided that nothing in this Act shall be held to prevent the Officer in whom the control of a Jail shall b vested, from committing any prisoner, or person employed within any Jail or in keeping prisoners in custody, for trial before a Magistrate or Sessions Court whenever such prisoner or person shall have been guilty of an offence for which the punishment authorized to be inflicted under this Act may appear inadequate.

XIX.—Repealed by Act V of 1865 of the Bengal Council.

Commencement of Act.

XX. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall fix by notification in the Calcutta Gazette.

ACT No. III of 1864.*

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 2nd March 1864, and of the Governor-General on the 28th idem.)

An Act to provide for the appointment of Municipal Commissioners in Towns and other places in the Provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the Conservancy, Improvement, and Watching thereof, and for the levying of Rates and Taxes therein.

1. *Short Title.*
2. *Interpretation.* "*Magistrate.*" "*House.*" "*Bazar.*" "*Place.*" "*Land.*" "*Highway.*" "*Owner.*" "*Horse.*" "*Person.*" "*Number.*" "*Gender.*"
3. *For purposes of this Act, Lieutenant-Governor may define limits of places &c. and create unions of places.*
4. *Act not to take effect until limits of place, &c., have been defined and Act extended thereto.*
5. *Certain laws to have no effect in places to which this Act is extended.*
6. *Appointment and removal of Commissioners in places defined for purposes of this Act.*
7. *Ex officio Commissioners.*
8. *Magistrate of District to be ex officio Chairman of Municipal Commissioners.*
9. *Municipal Commissioners empowered to sue and be sued, to hold property, and enter into contracts.*
10. *Public highways vested in the Commissioners.*

* Act VII of 1867 to be construed with and as part of this Act. Also Act II of 1868 of the Bengal Council.

11. Commissioners may, with consent of owners, take over and repair certain highways.
12. What shall constitute the Municipal Fund.
13. Power to purchase and sell lands.
14. Mode of ascertaining compensation for land, &c.
15. Purposes to which the Municipal Fund shall be applied.
16. With sanction of Government, Municipal Commissioners may carry out works of public utility.
17. Municipal Commissioners to keep an Office for the transaction of business.
18. Who to preside at meetings of the Municipal Commissioners.
19. Quorum.
20. The Chairman or Vice-Chairman to exercise, with certain exceptions, the powers of the Municipal Commissioners.
21. Appointment of Overseers, Clerks, and subordinate Officers.
22. No Commissioner to be personally liable upon contracts, &c., but only in case of misapplication of money to which he may be a party or which shall happen through his neglect.
23. Penalty on Commissioners, &c., being interested in contracts.
24. Annual estimate of expenditure to be submitted to Government.
25. Statement of actual expenditure and of income to be submitted.
26. Rate on houses, buildings, and lands.
27. Annual value of houses, buildings, and lands how to be ascertained.
28. Percentage of annual rate how to be fixed.
29. What returns may be required for ascertaining annual value. Power to enter house, &c.
30. Public notice of valuation and assessment to be given.
31. After revision, amendments to be authenticated by signature of three Municipal Commissioners. Further alteration or amendment of assessment.
32. New lists need not be prepared every year.
33. Hearing of appeals. Assessment when to be final.
35. Tax on carriages, &c.
36. Ownership for any number of days in a quarter creates liability to the tax for the whole quarter. Exemption of carriage under repair.
37. Carriages, &c., let for hire within any defined place, although owned by persons not residing therein, liable to the tax.
38. Commissioners may compound with Livery Stable-keepers.
39. List of persons liable to tax to be prepared.
40. Returns may be required for purpose of making list.
41. Power to summon persons liable to tax.
42. Appeal against assessment may be made to Commissioners. Proviso.
43. Municipal Commissioners' decision final.
44. Bill to be presented.
45. Notice of Demand. Warrant of Distress.
46. Inventory and notice of sale.
47. Sale. Fees.
48. Assessment not to be impeached if the directions of the Act are in substance complied with.
49. Registration and numbering of Hackeries, &c.
50. Fee for registration.
51. Penalty for not registering a cart or hackery.
52. Mortgage of rates.
53. Form of Security.
54. Payment of debentures by fresh mortgage of rates.
55. Depositing dirt on public highway.
56. Allowing sewerage to flow on public highway.
57. Future obstructions in highway.
58. Taking up pavements.
59. Projections from houses, erected in future, to be removed.
60. Removal of existing Projections from houses. Notice of removal. Compensation when to be made.
61. Houses projecting beyond line of highway, when taken down to be set back.
62. Power to trim hedges and trees bordering roads.
63. Roofs and external walls not to be made of inflammable materials.
64. Houses in a ruinous or dangerous state.
65. Sale of materials of ruinous houses.
66. Penalty on occupier of a house not removing filth.
67. Filthy houses, &c.
68. Penalty for keeping sheep-pen, &c., in a filthy state.

69. *Licensing of public necessaries.*
70. *Penalty for not keeping drain, &c., in proper state.*
71. *Fouling water by bathing, washing, throwing rubbish, &c.*
72. *Power to fill up unwholesome tanks on private premises.*
73. *Power to clear noxious vegetation and to improve bad drainage.*
74. *Power to drain off and cleanse stagnant pools in open places.*
75. *Penalty for not lighting deposits of building materials or excavations.*
76. *Places dangerous to passengers to be repaired or enclosed.*
77. *Penalty for establishing certain offensive and dangerous trades within limits to be fixed by the Municipal Commissioners.*
78. *No burial or burning place henceforth to be formed without leave of Government, or of Municipal Commissioners.*
79. *Municipal Commissioners may order certain burial or burning places to be closed.*
80. *Recovery of fines.*
81. *Service of notices.*
82. *Municipal Commissioners may bring suit instead of distraining, or on failure of distress.*
83. *Power to make compensation out of the Municipal Fund.*
84. *Municipal Commissioners empowered to make bye-laws.*
85. *Confirmation and publication of bye-laws.*
86. *Bye-laws until repealed or altered, to be of like effect as if inserted in this Act.*
87. *No action to be brought against the Municipal Commissioners or their Officers, until after one month's notice of cause of Action.*
88. *No charge to be instituted under this Act without consent of Municipal Commissioners.*

Preamble.

WHEREAS it is expedient to provide for the appointment of Municipal Commissioners in Towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes therein: It is enacted as follows:—

Short Title.

I. This Act may be cited as the "District Municipal Improvement Act."

Interpretation.

II. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, that is to say:—

"Magistrate"

The word "Magistrate" shall mean any person exercising all or any of the powers of a Magistrate.

"House."

The word "House" shall include any shop or warehouse.

"Bazar."

The word "Bazar" shall include any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

"Place."

The word "Place" shall mean any town, suburb, station, bazar, village, or tract of country, the limits of which shall be defined as in this Act provided, and shall include any number of the same when declared to be united as in this Act provided.

"Land."

The word "Land" shall include buildings with their appurtenances, and shall include plantations and gardens.

"Highway."

The word "Highway" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way; and also the roadway over any public bridge or causeway.

"Owner."

The word "Owner" shall mean the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee, for any other person, or who would so receive the same if such land were let to a tenant. Provided that no person receiving the rent of land as agent or trustee for another person shall be liable to pay any assessment made under this Act, unless he have sufficient funds of the actual owner to pay for the same.

"Horse."

The word "Horse" shall include ponies and mules.

"Person."

The word "Person" shall include any company, association, or body of persons, whether incorporated or not.

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include the feminine.

For purposes of this Act, Lieutenant-Governor may define limits of places, &c., and create unions of places.

III. For the purposes of this Act, the Lieutenant-Governor of Bengal may, from time to time by notification in the *Calcutta Gazette*, define the limits of any town, suburb, station, bazar, village, or tract of country in the vicinity thereof not being within the limits of the town of Calcutta, and may, from time to time, by such notification, declare to be united for the purposes of this Act, any number to

such places, or any parts thereof, and may declare who shall be deemed inhabitants within the meaning of this Act of any such place, and by what name such place shall be designated.

Act not to take effect until limits of place, &c., have been defined and Act extended thereto.

IV. The provisions of this Act shall not take effect in any place so defined or declared to be united as aforesaid, until this Act shall have been extended thereto by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*.

Certain laws to have no effect in places to which this Act is extended.

V. Act XXVI of 1850 (*to enable improvements to be made in Towns*); Sections IX, X, XI, XII, XIII, and XXXVI of Act XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeydars in citiesr towns, stations, suburbs, and bazars, in the Presidency of Fort William in Bengal*), together with so much of the last mentioned Act as relates to the collection, of the taxes therein mentioned; Act XII of 1858 (*for raising funds for making and repairing roads in the Suburbs of Calcutta and the Station of Howrah*); and Sections XXV to XLIX inclusive of Act XXI of 1857 (*to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah*), shall, in every place to which this Act shall be extended, cease to have effect, except so far as they repeal the whole or any part of any Regulation or Act, and except as to any assessment made, or to any act done, or to any liability incurred, or to any money due, or to any proceedings commenced, in such place, before this Act shall have effect therein. If in any place to which this Act shall be extended, Commissioners shall have been appointed under the said Act XXVI of 1850, all property and rights of every kind vested in such Commissioners shall, on the date on which this Act shall have effect in such place, become vested in the Municipal Commissioners appointed under this Act, and all actions and suits by and against such former Commissioners, in respect of any contracts entered into by them, may be carried on by and against the said Municipal Commissioners.

Appointment and removal of Commissioners in places defined for purposes of this Act.

VI. In any place to which the operation of this Act shall have been extended, the Lieutenant-Governor of Bengal shall appoint, for such period as to him may seem fit, any number, not less than seven, of the inhabitants thereof to be Municipal Commissioners for carrying out in such place the purposes of this Act, and the said Lieutenant-Governor may, from time to time, remove any of such Municipal Commissioners, add to their number, and fill up vacancies occurring among them: and every such Commissioner shall, for the purposes of this Act, be invested with the powers of a Magistrate under Section XXIII of the Code of Criminal Procedure.

Ex officio Commissioners.

VII. In addition to the Municipal Commissioners to be appointed as aforesaid, the persons for the time being filling the following offices shall be *ex officio* Municipal Commissioners for every place to which this Act shall be extended; that is to say, the persons filling the offices of

The Commissioner of the Division.
The Magistrate of the District.
The Executive Engineer.

Magistrate of District to be *ex officio* Chairman of Municipal Commissioners.

VIII. The Magistrate of the District for the time being shall, *ex officio*, be Chairman of the Municipal Commissioners for each place within the District under his charge, and such person as the Lieutenant-Governor of Bengal shall from time to time appoint shall be their Vice-Chairman.

Municipal Commissioners empowerd to sue and be sued, to hold property, and enter into contracts.

IX. The Municipal Commissioners of each place shall sue and be sued in the name of their Chairman by the description of "The Chairman of the Municipal Commissioners of ," and in such name so described they shall be competent to hold property, moveable and immoveable, and to convey the same, and to enter into all necessary contracts for the purposes of this Act. Any deed, contract, or other instrument so made on behalf of the said Municipal Commissioners may be executed by their Chairman or Vice-Chairman.

Public highways vested in the Commissioners.

X. All public highways in any place to which this Act shall be extended (not being the property of and repaired by and kept under the control of the Government, and not being private property) existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such highways, shall vest in and belong to the Municipal Commissioners.

Commissioners may, with consent of owners, take over and repair certain highways.

XI. It shall be lawful for the Municipal Commissioners to agree with the person or persons in whom the property in any highway is vested, to take over the property therein, and after such agreement to declare by notice in writing put up in any part of such highway that the same has become a public highway. Thereupon such highway shall vest in the Municipal Commissioners, and shall thenceforth be repaired and kept up out of the Municipal Fund.

What shall constitute the Municipal Fund.

XII. All monies, rents, and profits received by the Municipal Commissioners of any place, and all fines, fees, and penalties paid or levied under this Act, shall constitute a fund which shall be called the Municipal Fund of such place, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be applied by them as Trustees for the purposes of this Act.

Power to purchase and sell lands.

XIII. The Municipal Commissioners may agree with the owners of any land for the purchase thereof for the purposes of this Act, and may sell any land not required for such purposes either together or in parcels, and the proceeds of such sale shall be applied for the purposes of this Act.

Mode of ascertaining compensation for land, &c.

XIV. When the Municipal Commissioners may be unable to agree with the owners of any land for the purchase thereof, the Lieutenant-Governor of Bengal may, upon the representation of the Commissioners and after such enquiry as may be thought proper, declare that the land is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Government and for determining the compensation to be paid to the parties interested, according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Municipal Commissioners of the compensation awarded, such land shall vest in them for the purposes of this Act.

Purposes to which the Municipal Fund shall be applied.

XV. The Municipal Commissioners, after providing out of the Municipal Fund for the maintenance of sufficient Police Officers in the manner hereinafter described, shall make, repair, and keep properly cleansed and repaired, the roads, streets, drains, and tanks, and generally shall do all things necessary for the purposes of conservancy.

With sanction of Government, Municipal Commissioners may carry out works of public utility.

XVI. With the sanction of the Lieutenant-Governor of Bengal the Municipal Commissioners may, if they shall at a meeting resolve upon such expenditure, out of the said Fund, make, maintain, and repair any work of public utility, such as any tunnel, bridge, drainage work, work for the supply of water or for lighting streets, work for the improvement of a river or harbour, dock, wharf, ghât, or quay; also all works subsidiary to such works. It shall be lawful for the Lieutenant-Governor of Bengal, by notification in the *Calcutta Gazette*, to order that any other class of works, or any particular work other than those named above, shall be included among works of public utility within the meaning of this Act.

Municipal Commissioners to keep an Office for the transaction of business.

XVII. The Municipal Commissioners shall keep an Office where they shall meet for the transaction of business at least twice in every month, and as often as a meeting shall be called by the Chairman or Vice-Chairman; and all questions which may come before them at any meeting, shall be decided by a majority.

Who to preside at meetings of the Municipal Commissioners.

XVIII. The Chairman or, in his absence, the Vice-Chairman shall preside at every such meeting, and in the absence of both the Chairman and Vice-Chairman, the Municipal Commissioners shall choose some one of their number to preside. In cases of equality of votes, the President shall have a casting vote.

Quorum.

XIX. No business shall be transacted at a meeting unless at least five Municipal Commissioners be present.

The Chairman or Vice-Chairman to exercise, with certain exceptions, the powers of the municipal Commissioners.

XX. The Chairman or Vice-Chairman shall, for the transaction of the business connected with or making any order authorized by this Act, exercise all the powers vested by this Act in the Municipal Commissioners. Provided that it shall not be lawful for the Chairman or Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Commissioners at a meeting.

Appointment of Overseers, Clerks and subordinate Officers.

XXI. The chairman and Vice-Chairman may, from time to time, appoint all such Oversers, Clerks, and subordinate Officers and Servants as he shall think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their places.

No Commissioner to be personally liable upon contracts, &c., but only in case of misapplication of money to which he may be a party or which shall happen through his neglect.

XXII. No Municipal Commissioner shall be personally liable for any contract made or expense incurred by or on behalf of the Commissioners, but the funds from time to time in the hands of the Commissioners shall be liable for and chargeable with all contracts and expenses duly incurred as aforesaid. Every Commissioner shall be liable for any misapplication of money entrusted to the Commissioners, to which he shall have been a party, or which shall have happened through or have been facilitated by his neglect of his duty, and he shall be liable to be sued for the same as for money due to the Government.

Penalty on Commissioners, &c., being interested in contracts.

XXIII. No Municipal Commissioner or servant of the Commissioners shall be interested, directly or indirectly, in any contract made with the Commissioners, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment, and shall be liable to a fine of five hundred Rupees. Provided always that no person, by being a shareholder in or member of any incorporated or registered Company, shall be disqualified from

acting as a Commissioner by reason of any contract entered into between such Company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner in any matter relating to any contract entered into between the Commissioners and such Company.

Annual estimate of expenditure to be submitted to Government.

XXIV. The Municipal Commissioners shall, at such time or times and in such form as the Lieutenant-Governor shall direct, furnish a statement or estimate shewing the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to incur such expenditure.

Statement of actual expenditure and of income to be submitted.

XXV. The Municipal Commissioners shall, at such time or times and in such form as the Lieutenant-Governor shall direct, furnish statements in detail of all the work executed by them, and of all sums received, and of all sums expended by them.

Rate on house, buildings, and lands.

XXVI. It shall be lawful for the Municipal Commissioners to impose an annual rate, not exceeding seven and a half per centum of their annual value upon all houses, buildings, and lands, and such rate shall be paid by the owners of such houses, buildings, and lands by quarterly instalments. Arable lands and lands used for pasturage, and buildings used exclusively as places of public worship, or applied solely to charitable purposes, shall not be liable to the rate.

Annual value of houses, buildings, and lands how to be ascertained.

XXVII. For the purpose of making the annual rate, the gross annual rent at which the houses, buildings, and lands liable to the rate might be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year commencing from the date on which this Act shall have come into operation.

Percentage of annual rate how to be fixed.

XXVIII. The Municipal Commissioners shall, at a Meeting to be held as soon as may be after their appointment, fix the percentage of such annual rate to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a Meeting not less than fifteen days before the expiration of each year, shall fix the percentage of such rate for the ensuing year.

What returns may be required for ascertaining annual value.

XXIX. The Municipal Commissioners may require the respective owners or occupier of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sun-rise and sun-set, may enter, inspect, and measure any such houses, buildings, or lands, after having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands shall have been completed, the Commissioners shall cause lists containing the valuation and rate assessed to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person, claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom without the payment of any fee.

Power to enter house, &c.

Public notice of valuation and assessment to be given.

XXX. The Municipal Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

After revision, amendments to be authenticated by signature of three Municipal Commissioners.

XXXI. After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Municipal Commissioners, who shall, at the same time, certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shewn therein; and subject to such amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole year for which the assessment shall be made. Provided always that the Chairman or Vice-Chairman may, at any time, amend the said lists by inserting therein the name of any person whose name ought to be so inserted, or by inserting any property liable to the rate, after giving notice, to such person as may be interested in the making of the amendment, of a day, not being less than fifteen days from the date of the service of such notice, when such amendment is to be made; or by striking out any property not liable to the rate, or reducing the amount of the rate, without notice; and in all cases in which any property is inserted as liable to the rate, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof: and any person interested in such amendment may appeal to the said Commissioners, by application in writing left at their office three days before the day fixed in the notice for such amendment.

Further alteration or amendment of assessment.

New lists need not be prepared every year.

XXXII. It shall not be necessary to prepare new lists or to fix the percentage of annual rate every year, but the Commissioners may adopt the annual rate and the valuation and assessment contained in the lists for the preceding year (with such alterations as may in particular cases be deemed necessary), as the annual rate, valuation, and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section XXX of this Act.

Hearing of appeals.

Assessments when to be final.

XXXIII. Appeals against any rate assessed under this Act shall be heard and determined by not less than three Municipal Commissioners, and their adjudication, and the assessment by the Municipal Commissioners of any rate when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

XXXIV.—Repealed by Act VI of 1867 of the Bengal Council.

Tax on carriages, &c.,

XXXV. Whenever the provisions of this Act shall have been extended in manner aforesaid to any place, it shall be lawful for the Lieutenant-Governor of Bengal, by notification in the *Calcutta Gazette*, to declare that a tax shall be imposed upon all carriages, horses, and elephants, kept within the limits of such place, at the rates specified in the Schedule annexed to this Act, and thereupon such tax shall be payable quarterly. Provided that this Section shall not apply, to, or include, Gun Carriages, or Ordnance Carts or Waggons: Cavalry horses or horses of the Mounted Police; horses belonging to Officers doing regimental duty, at the rate of one horse for each Officer; vehicles, horses, or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bonâ fide* dealers.

Ownership for any number of days in a quarter creates liability to the tax for the whole quarter. Exemption of carriages under repair.

XXXVI. Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter, but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

Carriages, &c., let for hire within any defined place, although owned by persons not residing therein, liable to the tax.

XXXVII. Whenever the owner of a carriage, horse, or elephant, let out for hire and kept for the time being in premises situated within any place shall not reside in such place, the sums to be charged for such carriage, horse, or elephant shall be recoverable from the person in whose premises it is for the time being kept.

Commissioners may compound with Livery Stable-keepers.

XXXVIII. The Municipal Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the rates specified in the Schedule.

List of persons liable to tax to be prepared.

XXXIX. The Municipal Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax assessed thereon.

Returns may be required for purpose of making list.

XL. In order to enable the Municipal Commissioners to have such list prepared, the Commissioners or any Officer authorized by them may send to all persons supposed to be liable to the payment of the tax, a Schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The Schedule shall be filled up in writing, and signed and dated and returned to the Office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

Power to summon persons liable to tax.

XLI. The Municipal Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

Appeal against assessment may be made to Commissioners.

Proviso.

XLII. Any person who may dispute his liability for any assessment so made or the amount of any such assessment, may appeal to the Municipal Commissioners. Provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Municipal Commissioners' decision final.

XLIII. Appeals against any such assessment shall be heard and determined by not less than three Municipal Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest any assessment so made

in any other manner than by appeal to the Commissioners as hereinbefore provided.

Bill to be presented.

XLIV. When any sum is due on account of any rate or tax leviable under this Act, the Municipal Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants, it shall contain a notice of the time within which an appeal against such tax may be preferred.

Notice of demand.

XLV. If the bill be not paid by the person liable to pay the same within ten days from the presentation thereof, the Municipal Commissioners may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act or to the like effect; and if such person shall not, within seven days from the service of such notice of demand, pay the sum due or show sufficient cause for non-payment of the same, such sum with all costs may be levied by distress and sale of the moveable property wherever found of the defaulter, under a warrant in the form (B) in the Schedule or to the like effect, to be issued for that purpose by the Commissioners.

Warrant of Distress

Inventory and notice of sale.

XLVI. The Officer charged with the execution of the warrant of distress shall make an inventory of the property seized under any such warrant, and shall at the same time give a notice in writing in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure, that the said property will be sold as therein mentioned.

Sale.

XLVII. If the warrant is not discharged or suspended by the Municipal Commissioners, the property seized shall be sold under their orders, and they shall apply the proceeds or such part thereof as may be necessary in discharge of the said warrant and costs, and the surplus (if any) shall be returned on demand to the person in possession of the property at the time of the seizure. The fees payable upon distraints under this Act shall be such as are set forth in the Table of Fees in the said Schedule.

Fees.

Assessment not to be impeached if the directions of the Act are in substance complied with.

XLVIII. No assessment and no charge or demand of rate or tax made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax or in the description of any property or thing liable to rate or tax, or any mistake in the amount of assessment, provided that the directions of this Act be in substance and effect complied with.

Registration and numbering of Hackeries, &c.

XLIX. Whenever the provisions of this Act shall have been extended in manner aforesaid to any place, it shall be lawful for the Lieutenant-Governor of Bengal, by notification in the *Calcutta Gazette*, to declare that every cart, hackery, and other wheeled vehicle without springs kept and used within or let for hire within or without such place and used within it, shall be registered by the Municipal Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the Commissioners shall direct. Provided that this Section shall not apply to, or include, carts hackeries, or other such vehicles as aforesaid, kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs, the property of Government or of the Commissioners.

Fee for registration.

L. The registration of carts, hackeries, and other vehicles under the last preceding Section shall be made and the numbers assigned half-yearly, upon such days as the Municipal Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January, of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioners shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Penalty for not registering a cart or hackery.

LI. Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused the same to be registered under the last preceding Section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid, within ten days, such vehicle, to-

gether with the animals seized with it (if any,), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall become vested in the Municipal Commissioners and be employed for the purposes of this Act.

Mortgage of rates.

LII. For the construction of works of a permanent nature under this Act, the Municipal Commissioners may, with the sanction of the Lieutenant-Governor of Bengal, from time to time, borrow such sums of money as may be required by way of Debenture on the security of the lands and other property vested in them for the purposes of this Act, and on the security of the rates, taxes, and dues leviable under this Act or of a portion of them, and at such rate of interest and upon such terms as the said Lieutenant-Governor may approve.

Form of Security

LIII. All the debentures aforesaid, issued under the authority of this Act shall be in the Form (D) contained in the Schedule to this Act, and shall be transferable by endorsement, and the right to sue in respect of the monies secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Paymont of debentures by fresh mortgage of rates.

LIV. The Municipal Commissioners may at any time, with such consent as aforesaid, raise by the issue of new debentures any money that may be required to pay debts for the time being due on any debentures issued in pursuance of this Act.

Depositing dirt on public highway.

LV. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen, or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthenware, or other rubbish, in any public highway, except in such spots and in such manner and at such hours as shall be fixed by the Municipal Commissioners; or throws or puts, or permits his servants to throw or put, any such substance into any public sewer or drain, or into any drain communicating therewith, shall be liable to a fine not exceeding ten Rupees.

Allowing sewerage to flow on public highway.

LVI. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such highway, shall be liable to a fine not exceeding ten Rupees.

Future obstructions in highway.

LVII. Whoever builds any wall or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public highway, or in or over any open drain, sewer, or aqueduct along the side of any such highway, shall be liable to a fine not exceeding one hundred Rupees: and the Municipal Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same and shall be recoverable as a debt due to the Commissioners.

Taking up pavements.

LVIII. Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any public highway, without the consent in writing of the Municipal Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

Projections from houses, erected in future, to be removed.

LIX. The Municipal Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public highway, or obstructs, or projects, or encroaches into or upon, any uncovered aqueduct, drain, or sewer in such highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred Rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

Removal of existing projections from houses.

Notice of removal.

Compensation when to be made.

LX. The Municipal Commissioners may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building in any public highway before this Act shall have been extended to the place, to be removed or altered as they shall think fit; provided that notice be given of such intended removal or alteration to the occupier of the house or building, against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Houses projecting beyond line of highway, when taken down, to be set back.

LXI. Whenever any house or building, part of which projects beyond the regular line of a public highway, or beyond the front of the house or building on either side thereof, shall be taken down in order to be rebuilt or altered, the Municipal Commissioners may require the same to be set back to, or towards the line of the highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

Power to trim hedges and trees bordering roads.

LXII. The Municipal Commissioners may give notice to the owner or occupier of any land, to cut and trim any hedges or trees which overhang any public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

Roofs and external walls not to be made of inflammable materials.

LXIII. It shall be lawful for the Municipal Commissioners, by a bye-law to be made in manner hereinafter provided, to direct that the external roofs and walls of huts or other buildings about to be erected or renewed in or near any public highway, shall not be made of grass, leaves, mats, or other such inflammable materials.

Houses in a ruinous or dangerous state.

LXIV. If any house, building, or wall, or any thing affixed thereon, be deemed by the Municipal Commissioners to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings or the occupiers thereof, or to passengers, they shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause notice to be put on the door or other conspicuous part of the said premises, requiring the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and do not carry on the work to the satisfaction of the Commissioners, they may cause all, or so much of such house, building, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and all the expenses shall be paid by the owner or occupier of the premises, and shall be recoverable from him as a debt due to the Commissioners.

Sale of materials of ruinous houses.

LXV. Whenever any house, building, wall, or thing is pulled down by the the Municipal Commissioners by virtue of the powers aforesaid, they may in their discretion sell the materials and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, wall, or thing on demand. The Commissioners although they sell such materials for the purposes aforesaid, may sue for so much, of the said expenses as may remain due after the application of the proceeds of such sale.

Penalty on occupier of a house not removing filth.

LXVI. Whoever being the occupier of a house in or near any public highway, keeps or allows to be kept for more than twenty-four hours, otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, or filth, or any noxious or offensive matter, in or upon such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, shall be liable to a fine not exceeding fifty Rupees.

Filthy houses, &c.

LXVII. Whoever, being the owner or occupier of any house, building, or land in or near any public highway, suffers the same to be in a filthy state or overgrown with thick and noxious vegetation, shall be liable to a fine not exceeding fifty Rupees, and to a fine not exceeding five Rupees for every day after conviction for such offence during which the offence is continued.

Penalty for keeping sheep-pen, &c., in a filthy state.

LXVIII. Whoever, being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees, and to a fine not exceeding three Rupees for every day after conviction for such offence during which the offence is continued.

Licensing of public necessaries.

LXIX. The Municipal Commissioners may license such necessaries for public accommodation as they, from time to time, may think proper; and whoever shall keep any public necessary without such license, or having a license for a public necessary, shall suffer the same to be in a filthy or noxious state, or shall neglect to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty Rupees and such license may be withdrawn,

Penalty for not keeping drain, &c., in proper state.

LXX. Whoever, being the owner or occupier of any private drain, privy, or cesspool, shall neglect or refuse, after warning from the Municipal Commissioners, to keep the same in a proper state, shall be liable to a fine not exceeding fifty Rupees.

Fouling water by bathing, washing, throwing rubbish, etc.

LXXI. Whoever shall bathe in any public tank, the water of which shall have been declared by the Municipal Commissioners to be appropriated to the domestic use of the inhabitants of the place, or shall wash or cause to be washed therein, any animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or any foul or offensive thing; or shall put or cause to enter therein any animal, or any gravel, stone, dirt, or rubbish, or any dirt, filth, or other noxious thing; or shall cause or suffer to run, drain, or be brought thereunto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid, or shall do anything whatsoever whereby any such water shall be in any degree fouled or corrupted, shall be liable to a fine not exceeding fifty Rupees.

Power to fill up unwholesome tanks on private premises.

LXXII. Whenever any tank, drain, or other excavation containing waste or stagnant water, the same being within any private enclosure, appears to the Municipal Commissioners to be injurious to health or to be offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to cleanse or fill up such tank or excavation, and if he do not begin to cleanse or fill up the same within one week after such notice, and do not complete such work with due diligence, the Commissioners, their Officers, and workmen, may enter into the said premises and do all necessary acts for the purpose aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

Power to clear noxious vegetation and to improve bad drainage.

LXXIII. Whenever any lands or premises being private property or within any private enclosure, appear to the Municipal Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with due diligence, the Commissioners, their Officers, and workmen, may after forty-eight hours' notice enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

Power to drain off and cleanse stagnant pools in open places.

LXXIV. The Municipal Commissioners may, from time to time, as they see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

Penalty for not lighting deposits of building materials or excavations.

LXXV. No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Municipal Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever so deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials or hole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

Places dangerous to passengers to be repaired or enclosed.

LXXVI. If any tank, well, or hole in or near any public highway, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Municipal Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure shall be paid by the owner or occupier of the property so repaired, protected or enclosed, and shall be recoverable as a debt due to the Commissioners.

Penalty for establishing certain offensive and and dangerous trades within limits to be fixed by the Municipal Commissioners.

LXXVII. Within such limits as may for the purposes of this Section be fixed by the Municipal Commissioners, no premises shall be newly used, except under license from the Municipal Commissioners, for any of the following purposes; namely, for melting tallow, for boiling offal or blood, or as a soap house, oil-boiling house, dyeing house, tannery, brick, pottery, or lime kiln, or other manufactory or

place of business from which offensive or unwholesome smells arise, or as a yard, or depôt for hay, straw, wood, or coal; and whoever, without a license, uses any such premises for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

No burial or burning place henceforth to be formed without leave of Government, or of Municipal Commissioners.

LXXVIII. No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act otherwise than by or under the authority of the Lieutenant-Governor of Bengal, without a license from the Municipal Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

Municipal Commissioners may order certain burial or burning places to be closed.

LXXIX. If, upon the evidence of competent persons, it shall appear to the Municipal Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

Recovery of fines.

LXXX. All fines imposed by this Act may be recovered in the manner prescribed by Section LXI of the Code of Criminal Procedure.

Service of notices.

LXXXI. Every notice or summons under any of the preceding Section of this Act, or under any Bye-law may be served personally upon the person to whom the same is addressed, or may be served by leaving the same at his usual or last known place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode. If the notice or summons relates to any house, building, or land, and the place of abode of the owner is unknown, the same shall be deemed to be duly served if put up on some conspicuous part of the house, building, or land, to which the same relates.

Municipal Commissioners may bring suit instead of distraining, or on failure of distress.

LXXXII. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the Municipal Commissioners may sue the person liable to pay the same in any Court of competent Jurisdiction.

Power to make compensation out of the Municipal Fund.

LXXXIII. The Municipal Commissioners may make compensation, out of the Municipal Found, to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers, or servants, under this Act.

Municipal Commissioners empowered to make Bye-laws.

LXXXIV. It shall be lawful for the Municipal Commisioners to make Bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such Bye-laws. Provided that no Bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a Bye-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

Confirmation and publication of Bye-laws.

LXXXV. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

Bye-laws, until repealed or altered to be of like effect as if inserted in this Act.

LXXXVI. All Bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

No action to be brought against the Municipal Commissioners or their Officers, until after one month's notice of cause of action.

LXXXVII. No action shall be brought against the Municipal Commissioners, or any of their officers, or any person acting under their direction, for any thing done under this Act, until expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards: and if any person to whom any such notice of action is given, shall before

such action is brought, tender sufficient amends to the the plaintiff, such plaintiff shall not recover.

No charge to be instituted under this Act without consent of Municipal Commissioners.

LXXXVIII. The Municipal Commissioners may direct any prosecution for any public nuisance whatever and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence.

SCHEDULE.—[*referred to in Section XXXV.*]

TAX ON CARRIAGES, HORSES, AND ELEPHANTS.

	Rupees per quarter.
For every 4-wheel Carriage on springs, drawn by two horses ...	... 4 8
For every 4-wheel Carriage on springs, drawn by one Horse, or Pony, or a pair of Ponies under thirteen hands ...	... 1 8
For every 4-wheel Carriage without springs	... 1 8
For every 2-wheel Carriage on springs	.. 2 4
For every 2-wheel Carriage without springs, drawn by a Horse, Pony, or Mule	... 0 12
For every Horse	... 2 4
For every Pony under thirteen hands, or Mule	... 0 12
For every Elephant	... 6 0

Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.

FORM A.—[*referred to in Section XLV.*]

NOTICE OF DEMAND

Take notice, that the Municipal Commissioners of demand from you the sum of , due from you for , for the months of 18 : and that if the sum due is not paid into the Office of the Municipal Commissioners at , or if sufficient cause for the non-payment of the sum is not shown to the Municipal Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

Date

[*Signature of the Chairman or Vice-Chairman.*]

FORM B.—[*referred to in Section XLV.*]

DISTRESS WARRANT

To [*here insert the name of the Officer charged with the execution of the warrant.*]

Whereas , of , has not paid or shewn sufficient cause for the non-payment of the sum of Rupees due for the rates [*or taxes*] *or* [*rates and taxes*] mentioned in the margin, for the months of 18 , although the said sum has been duly demanded in writing from the said , and seven days have elapsed since the service of the notice of demand : This is to command you to distrain the property of the said , to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charge of taking and keeping such distress, to sell the said property, and, having paid and deducted out of the proceeds of the sale the said sum of Rupees, and the charges of taking, keeping, and selling such distress, to return the surplus (if any) on demand to the person whom you shall find in possession of the said property. If sufficient distress cannot be found of the property of the said

, you are to certify the same to us together with this warrant.

[*Signature of the Chairman or Vice-Chairman.*]

FORM C.—[*referred to in Section XLVI.*]

FORM OF INVENTORY AND NOTICE.

[*State particulars of Goods seized.*]

Take notice that I have this day seized the property specified in the above inventory for the sum of Rupees, due for the rates [*or taxes*] mentioned in the margin, for the months of 18 , and that unless you pay into the Office of the Municipal Commissioners of the amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the property will be sold.

Date

[*Signature of the Officer executing the warrant of distress.*]

TABLE OF FEES PAYABLE UPON DISTRAINTS UNDER THIS ACT.—[*referred to in Section XLVII.*]

Sums distrained for.				Fee. Rs.	As.
Under 1 Rupee				0	4
1 and under 5	Rupees			0	8
5 „ 10	„			1	0
10 „ 15	„			1	8
15 „ 20	„			2	0
20 „ 35	„			2	8
35 „ 30	„			3	0
30 „ 35	„			3	8
25 „ 40	„			4	0
40 „ 45	„			4	8
45 „ 50	„			5	0
50 „ 60	„			6	0
60 „ 80	„			7	8
80 „ 100	„			9	0
Above „ 100	„			10	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM D.—[*referred to in Section LIII.*]

FORM OF DEBENTURE.

The Municipal Commissioners of

The 18 .

No.

By virtue of the Act No. III. of 1864 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations [the District Municipal Improvement Act,] we, the Municipal Commissioners of , in consideration of the sum of Rupees paid to us by A. B. of , promise to pay to the said or order, the said sum of Rupees , after the date thereof, together with interest thereon at the rate of per centum, per annum, payable half-yearly on the day of and the day of

[*Signature of the Chairman or Vice-Chairman, and two Municipal Commissioners.*]

ACT No. IV OF 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 2nd April 1864 and of the Governor-General on the 11th idem.)

An Act to amend Act XXI of 1836.

Lieutenant-Governor of Bengal may alter the limits of existing Zillahs.

Preamble. WHEREAS it is expedient to amend Act XXI of 1836; It is enacted as follows:—

Lieutenant-Governor of Bengal may alter the limits of existing Zillahs. It shall be lawful for the Lieutenant-Governor of Bengal from time to time to alter the limits of existing Zillahs in any part of the Provinces subject to the control of the said Lieutenant-Governor.

ACT No V OF 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 12th April 1864, and of the Governor-General on the 14th May 1864.)

An Act to amend and consolidate the Law relating to the collection of Tolls on Canals and other lines of navigation, and for the construction and improvement of lines of navigation, within the Provinces under control of the Lieutenant-Governor of Bengal.

1. Interpretation. "Vessel." "Line of Navigation." "Channel." "Person. Number. Gender.
2. What navigable channels may be rendered subject to the provisions of this Act.
3. By whom navigable channels may be made. Mode of obtaining land for the purpose.
4. No action to lie against Government in respect of acts done in pursuance of the last Section.
5. Tolls to be paid on lines of navigation subject to this Act. Proviso.
6. Lieutenant-Governor may fix and alter rates of Toll.
7. Notification of rates of Toll to be exhibited at every Toll house
8. Lieutenant-Governor may appoint persons to collect Tolls, and the collection of Tolls may be farmed.
9. Payment of Tolls how to be enforced.
10. Penalty for evasion of toll.
11. Rules relating to lines of navigation.
12. Publication of such Rules.
13. Appointment of Supervisor with power to remove obstructions.
14. Mode of exercising such power.
15. Supervisor may forbid the construction of Bandells &c.
16. Penalty for causing obstruction to line of Navigation.
17. Recovery of fines.
18. Offences against this Act by whom punishable.
19. Indemnity for certain acts done heretofore in the collection of Tolls &c.
20. Short Title.

Preamble. WHEREAS it is expedient to amend and consolidate the law relating to the collection of Tolls on the Canals and lines of navigation specified in the Regulations and Acts in the Schedule to this Act annexed, and to authorise the collection of Tolls on such other lines of navigation as may hereafter be rendered subject to

the provisions of this Act, and to provide for the construction and improvement of lines of navigation; It is enacted as follows:—

Interpretation.

I. The following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context, that is to say:—

"Vessel."

The word "Vessel" shall include any ship, barge, boat, raft, timber, bamboos, or floating materials, propelled in any manner.

"Line of Navigation."

The words "line of navigation" shall mean any navigable channel subject to the provisions of this Act.

"Channel."

The word "Channel" shall include any river, canal, khal, nullah, or water-way, whether natural or artificial.

"Person."

The word "Person" shall include any company, association, or body of persons whether incorporated or not.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

What navigable channels may be rendered subject to the provisions of this Act.

II. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, by notification to that effect published in the Calcutta Gazette, to declare that the provisions of this Act shall apply to any navigable channel specified in such notification, and from and after such publication the provisions of this Act shall apply to, and be in force as regards, such navigable channel, and such of the Regulations and Acts specified in the Schedule to this Act as were applicable to such navigable channel, shall thenceforth cease to have any force or effect as respects such channel.

By whom navigable channels may be made.

III. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to authorize any person to make and open any navigation channel, or to clear and deepen any navigable channel, to stop any water-course, or make any tracking path, or do any other act necessary for the making or improvement of any such channel; and any navigable channel made under this Section shall be rendered subject to the provisions of this Act in the manner prescribed in the last proceeding Section. The Government of Bengal may take possession, as for a public purpose, of any land that may be necessary for the execution of any of the above-mentioned work, under the provisions of Act VI of 1857 (*for the acquisition of land for public purposes*) or of any other Act that may now or hereafter be in force for the taking possession of land for public purposes.

Mode of obtaining land for the purpose.

No action to lie against Government in respect of acts done in pursuance of the last Section.

IV. No action or suit shall be brought against the Secretary of State for India in Council, or the Government, in respect of any injury or damage caused by, or resulting from, any act done under the last preceding Section.

Toll to be paid on lines of navigation subject to this Act. Proviso.

V. Tolls at such rates as shall be fixed in manner hereinafter mentioned shall be paid in respect of all vessels entering upon, or passing along any of the lines of navigation subject to the provisions of this Act. Provided that such Tolls shall be payable only so long as such line of navigation shall be open.

Lieutenant-Governor may fix and alter rates of Toll.

VI. The Lieutenant-Governor of Bengal may fix, and from time to time alter, the rates at which such Tolls shall be levied. Provided that no Toll shall be levied, and no alteration of any rate of Toll shall have effect, until notice shall have been published in the Calcutta Gazette, for such period as they said Lieutenant-Governor may fix, of the intention to levy or alter such Toll, and of the rate and place at which such Toll is to be levied.

Notification of rate of Toll to be exhibited at every Toll-house.

VII. Notification of the rates of Toll, and of the places of collection shall be at all times exhibited to public view at every Toll-house where Toll is levied under this Act, in the English, Oordoo, and Bengalee languages.

Lieutenant-Governor many appoint persons to collect Tolls and the collection of Tolls may be farmed.

VIII. The Lieutenant-Governor of Bengal shall appoint such persons as he may think fit to collect Tolls under this Act, and it shall be lawful for any person so appointed to farm out the collection of Tolls to any other person, with the sanction of the Government of Bengal, or to employ any other person in such collection. The person to whom the collection of Tolls may be farmed out, or who may be employed in the collection of them, shall have power to collect, and be authorized to receive them, in the like manner as any person appointed as aforesaid.

Payment of Tolls how to be enforced.

IX. If any Toll due under the provisions of this Act in respect of any vessel shall not be paid on demand to the person authorized to collect the same, it shall be lawful for such person to seize such vessel, and any furniture thereof, and to detain the same; and such person shall, within twenty-four hours of such seizure and detention, resport the same same to the nearest Collector or Deputy Collector of the District in which the seizure has been made, or other public Officer duly authorized by Government in that behalf; and on receipt of this report the Collector, Deputy Collector, or other Officer as aforesaid, shall publish a notice appointing a day for the sale of the said vessel and any furniture thereof. The sale shall be held at some

period not less than fifteen days from the date of the publication of notice of sale; and if the Toll and also any expenses occasioned by non-payment be not paid, or sufficient cause for non-payment be not shown, at or before the time of sale to the Collector, Deputy Collector, or other Officer as aforesaid, such Officer shall sell the vessel and furniture seized, or so much thereof as may be necessary to pay the Toll and also any expenses occasioned by non-payment. So much of the property seized as may not have been sold, and so much of the sale proceeds as may be in excess of the sum necessary for satisfying the Toll and for defraying the expenses occasioned by non-payment, shall be returned to the person in charge of the vessel.

Penalty for evasion of toll.

X. Any person who shall refuse, or evade, or attempt to evade, any Toll due under this Act, shall be punished, on conviction before a Magistrate, with a fine which may extend to fifty Rupees, or with simple imprisonment in lieu of fine which may extend to one month.

Rules relating to lines of navigation.

XI. It shall be lawful for the Lieutenant-Governor of Bengal from time to time to make Rules not repugnant to any law in force, and to repeal, alter, and amend the same, for the management of any line of navigation subject to this Act, and for regulating the conduct of persons employed for any of the purposes of this Act; and the Lieutenant-Governor may affix fines as penalties for the infringement of such Rules not exceeding fifty Rupees for any one infringement, or five Rupees a day for any continuing infringement.

Such Rules may contain directions for any of the following amongst other matters :—

For determining the tonnage of vessels and their measurement; for fixing the number and the width of vessels to be allowed to pass into, or out of, or through, any line of navigation at one time or abreast; for determining the length of time during which vessels may remain stationary on any line of navigation, and the amount of demurrage to be paid by vessels remaining stationary beyond such time; for regulating the mode in which, and the places at which, Tolls are to be levied under this Act; for the removal of sunken vessels and obstructions; and for the storing and disposal of the cargo of vessels seized under this Act.

Publication of such Rules.

XII. Rules shall not be passed until the same shall have been published in the Calcutta Gazette for a period of six weeks, and after that time the Rules shall be published as passed, with such alterations (if any) as to the Lieutenant-Governor of Bengal shall seem fit. The Rules so published as passed shall not have effect until the expiration of two weeks after such last publication; and all Rules so published shall, until the same be repealed or altered, be of like effect as if they were inserted in this Act. Copies of all Rules in the English, Oordoo, and Bengalee languages, shall be exhibited to public view at every place where Toll is collected.

Appointment of Supervisor with power to remove obstructions.

XIII. It shall be lawful for the Government of Bengal to appoint any person to be the Supervisor of any line of navigation subject to the provisions of this Act, and such person shall be empowered to cut down and remove any tree which may have fallen or may be likely to fall into such line of navigation, and to remove any sunken vessel, and to prevent or move any other nuisance or obstruction to navigation, of whatever description, whenever he may think it necessary.

Mode of exercising such power.

XIV. Whenever such Supervisor shall consider that the cutting down and removal of any tree or the removal of any other obstruction is necessary, he may in cases of emergency at once remove the same, and may for that purpose enter on any private property. In cases not of an emergent nature, he shall serve a notice in writing on the owner, or occupier of such private property, directing him to remove the same within a reasonable time. If the owner or occupier cannot be found, notice may be served by notification to be affixed in some conspicuous place in the nearest village. If the owner or occupier shall not remove the obstruction within the time given in the notice, the Supervisor may proceed to remove it himself and may for that purpose enter on any private property. Payment of all expenses of such removal may be enforced by the sale of the thing removed in the manner provided for the recovery of Tolls in Section IX of this Act.

Supervisor may forbid the construction of Bandells, &c.

XV. Whenever in the opinion of such Supervisor the construction of any Bandell or other contrivance for fishing, or for any other purpose, in any line of navigation is likely to cause obstruction to the free and safe transit of such line of navigation, he may, by a notice in writing to be served on the owner or person in charge of such Bandell, or other contrivance, or (if such owner or other person cannot be found) to be affixed at some conspicuous place in the nearest village, forbid the construction of such Bandell or other contrivance.

Penalty for causing obstruction to line of navigation.

XVI. Any person who shall wilfully cause, or shall aid in causing, any obstruction to any line of navigation, or any damage to the banks or works of such line of navigation, or who shall wilfully omit to remove such obstruction after being lawfully required so to do, shall be punished on conviction

before a Magistrate with simple imprisonment which may extend to one month, or with fine which may extend to fifty Rupees, or with both, and shall also be liable to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction, or in repairing such damage.

Recovery of fines.

XVII. All fines imposed by this Act may be recovered in the manner prescribed by the Code of Criminal Procedure.

Offences against this Act by whom punishable.

XVIII. If any person shall be guilty of an offence against the provisions of this Act on any line of navigation subject to this Act, such offence shall be punishable by any Magistrate having jurisdiction over any District or place adjoining such line of navigation, or adjoining either side of that part of the line of navigation in which such offence shall be committed : and such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner, and to the same extent, as if such offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits ; and in case any such Magistrate shall exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Indemnity for certain acts done heretofore in the collection of Tolls &c.

XIX. All persons employed by the Government of Bengal, and all persons employed by the Company carrying on works under the name of the East India Irrigation and Canal Company, together with the said Company, are hereby indemnified for all acts done by them or any of them in the collection heretofore of any Tolls on the canals, khaals, or nullahs specified in Sections XI, XII, and XIII of Regulation XVIII of 1806 (*for collecting a Toll on boats passing through the Eastern Canal, which Connects the River Hoogly with the Sunderbunds, and through the canals commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal and the Narranpore Khaal*).

Short Title.

XX. This Act may be cited as " The Canals' Act, 1864."

SCHEDULE OF REGULATIONS AND ACTS.—

(*referred to in Section II.*)

Regulation XVIII of 1806	...	For collecting a Toll on boats passing through the Eastern Canal which connects the River Hooghly with the Soonderbunds, and through the Canals commonly called the Banka Nullah, the Koonjapore Khaal, Gowah Khaal, and the Narainpore Khaal.
Regulation VIII of 1824	...	For rescinding Regulation IV of 1813, for determining the rates of Toll to be levied on boats, rafts, timbers, and the like passing through the Bhaugirutee, Jellinghee, Issamuttee Matabhungah and Choornee Rivers, and for providing for the better collection of the Toll, and for the secure navigation of the aforesaid and other navigable Rivers.
Act XXII of 1836	...	Relating to the levy of a Toll on boats, floats, and rafts passing through the Circular and Eastern Canals.
Act X of 1853	...	To amend Act XXII of 1836.
Act XV of 1860	...	To amend and extend Act XXII of 1836.

ACT No VI of 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 12th April 1864 and of the Governor-General on the 18th May 1864.)

An Act to provide for the periodical Inspection of Steam Boilers and Prime Movers attached thereto in the Town and Suburbs of Calcutta.

1. Interpretation. "Boiler." "Prime Mover." "Owner." "Suburbs of Calcutta." Number. Gender.
2. Inspectors to be appointed for the purposes of this Act.
3. Prohibition of the use of a Boiler or Prime Mover without a Certificate under this Act.
4. On notice from owner, an Inspector to examine Boiler or Prime Mover.
5. If satisfied with the condition of Boiler or Prime Mover, Inspector to give Certificate to the owner on payment of fee. Duration of Certificate.
6. Revocation of Certificate.
7. Rules to be made.
8. Owner bound to produce Certificate when called upon by Magistrate or duly authorised person.
9. Penalty for using Boiler or Prime Mover not having duly obtained a Certificate. Proviso.
10. Act not to apply to Locomotive Railway Engines, nor to Steam Vessels.
11. Recovery of penalties. Disposal of penalties.
12. Charges within what period to be brought.
13. Commencement of Act

Preamble.

WHEREAS it is expedient to provide for the inspection by competent Inspectors of Steam Boilers and Prime Movers attached thereto in the Town and Suburbs of Calcutta, with a view to the security of persons and property; It is enacted as follows:—

Interpretation.

1. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless where a contrary intention shall appear from the context, that it to say:—

"Boiler."

The word "Boiler" shall include any Cylinder or Vessel for generating steam under pressure.

"Prime Mover."

The words "Prime Mover" shall include any Steam Engine, Fly Wheel, first driving Shaft, and Pulley attached to any such Engine.

"Owner."

The word "Owner" shall include any agent or hirer using any Boiler or Prime Mover.

"Suburbs of Calcutta."

The term "Suburbs of Calcutta" shall include the Suburbs of Calcutta and the Station of Howrah, as defined in Act XXI of 1857 (*for making better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah.*)

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

Inspectors to be appointed for the purposes of this Act.

II. The Lieutenant-Governor of Bengal shall appoint Inspectors for the purposes of this Act, who shall inspect all Boilers and Prime Movers attached thereto, in the Town and Suburbs of Calcutta in the manner hereinafter provided.

Prohibition of the use of a Boiler or Prime Mover without a Certificate under this Act.

III. It shall not be lawful for the owner of any such Boiler or Prime Mover as aforesaid to use the same in the said Town and Suburbs, unless a Certificate shall have been duly granted in respect thereof in the manner hereinafter provided, and it shall not be lawful for such owner to continue to use such Boiler or Prime Mover after the period for which such Certificate shall have been granted.

On notice from owner, an Inspector to examine Boiler or Prime Mover.

IV. The owner of any such Boiler or Prime Mover as aforesaid in respect whereof a Certificate shall be in force in manner hereinafter described, shall, before using the same, give notice to an Inspector appointed under this Act of his intention to use or continue to use the same. The Inspector to whom such notice shall be given shall appoint a time between sunrise and sunset, and within forty-eight hours after such notice, for the inspection of such Boiler or Prime Mover, and at such time shall carefully examine such Boiler or Prime Mover, and every part thereof, and the owner or person in charge thereof shall afford to such Inspector all reasonable facilities for such examination and all such information as may reasonably be required.

If satisfied with the condition of Boiler or Prime Mover, Inspector to give a Certificate to the owner on payment of fee.

V. An Inspector, making an inspection under this Act of any such Boiler or Prime Mover as aforesaid, if he be satisfied that such Boiler or Prime Mover is in good codition, shall, on payment by the owner or person in charge thereof of such fees as shall be fixed in the Rules hereinafter mentioned, give to the owner a Certificate signed by him to that effect, in the form in the Schedule to this Act annexed; and such Certificate shall state the period for which such Boiler or Prime Mover may be used, and shall cease to be in force on the expiration of such period.

Duration of Certificate.

Revocation of Certificate.

VI. The Lieutenant-Governor of Bengal, or any person authorized by him in that behalf, may revoke any Certificate granted under this Act, in any case in which he shall have reason to believe that such Certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or in case he shall have reason to believe that the Boiler or Prime Mover in respect whereof such Certificate shall have been granted, since the granting such Certificate, has sustained injury or is not in good condition. On such revocation of a Certificate, an Inspector, not being the person who granted the revoked Certificate, shall again examine the Boiler or Prime Mover in respect whereof such revoked Certificate was granted, in the manner prescribed in Section IV of this Act, and if he shall be satisfied that the same is in good condition shall grant another Certificate. Provided that no additional fee shall be paid unless there shall appear to have been reasonable ground for revoking the Certificate.

Rules to be made.

VII. The Lieutenant-Governor of Bengal shall, from time to time, frame Rules regulating the fees payable for Certificates, and the duties of Inspectors appointed under this Act. Such Rules shall not have effect until they shall have been published in the Calcutta Gazette for a period of six weeks, and shall not be inconsistent with the provisions of this Act.

Owner bound to produce Certificate when called upon by Magistrate or duly authorized person.

VIII. The owner of any such Boiler or Prime Mover as aforesaid who shall have obtained a Certificate for the same, shall, at all reasonable times during the period for which the same may be in force, be bound to produce such Certificate when called upon to do so by any Magistrate having jurisdiction within the Town or Suburbs of Calcutta or by any person authorised in writing by such Magistrate to demand its production.

Penalty for using Boiler or Prime Mover not having duly obtained a Certificate.

IX. The owner of any such Boiler or Prime Mover as aforesaid who shall use the same in the said Town or Suburbs without a Certificate duly obtained and in force in respect thereof under this Act, shall be punished with a fine not exceeding five hundred Rupees; and to continue to use the same after such fine shall have been imposed shall be held to be a separate offence, and shall be punished in like manner.

Proviso.

No proceeding shall be taken to enforce this penalty before such day after this Act shall have come into operation as the Lieutenant-Governor of Bengal shall fix by notification in the Calcutta Gazette.

Act not to apply to Locomotive Railway Engines, nor to Steam Vessels

X. This Act shall not apply to any Locomotive Engine used upon any Railway in the Town or Suburbs of Calcutta, or to any Steam Vessel in the Port of Calcutta.

Recovery of penalties.

XI. All penalties imposed by this Act may be recovered, if for offences committed beyond the local limits of the Town of Calcutta in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits in the manner prescribed by Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras, and Bombay)* and Act XLVIII of 1860 *(to amend Act XIII of 1856)* or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Disposal of penalties

All penalties to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

Charges within what period to be brought.

XII. No charge shall be brought against any person for the recovery of any penalty under this Act except within six months after the commission of the offence, nor shall such charge be brought without the authority of an Inspector appointed under this Act.

Commencement of Act.

XIII. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall fix by notification in the Calcutta Gazette.

SCHEDULE—*(referred to in Section V).*

Form of Inspector's Certificate.

Name of Owner.	Description of Boiler and age.	Description of Prime Mover and age.	Power.	When and where made.	When and where last repaired.	Time for which Boiler or Prime Mover is to be used and Certificate to be in force.	REMARKS.

I, the undersigned, certify that I have examined the above named Boiler (*or Prime Mover*) and to the best of my judgment the Boiler (*or Prime Mover*), as shown in the above Statement, is in good condition.

Date

A. B.,
Inspector.

ACT No. VII OF 1864.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 19th March 1864, and of the Governor-General on the 28th May 1864.)

An Act to amend and consolidate the laws relating to the manufacture, possession transport, and sale of Salt in the Provinces under the control of the Lieutenant-Governor of Bengal.

1. *Short Title.*
2. *Laws repealed.*
3. *Interpretation.* "*Salt.*" "*Manufacture.*" "*Salt-work.*" "*Board of revenue.*" "*Magistrate.*" "*Police Officer.*" "*Seer.*" "*Maund.*" *Salt in possession of servant or agent. The causing or procuring an act to be done is punishable in the same manner as the doing of the act.* "*Rowannah.*" *Number. Gender.*
4. *Unlicensed manufacture of Salt prohibited.*
5. *Penalty for such manufacture.*
6. *Confiscation of contraband Salt, and materials and implements used in unlicensed manufacture.*
7. *Board of Revenue to grant licenses on certain conditions.*
8. *Proprietors and others to give notice to the Police of unlicensed Salt-works established on their lands.*
9. *Rate of Duty to be levied on the Manufacture of Salt.*
10. *License manufacturer to provide a proper to warehouse.*
11. *Lieutenant-Governor may prescribe Rules and impose penalties. Proviso.*
12. *The possession and transport of Salt, within certain limits, to be regulated.*
13. *Rowannahs by whom and how to be granted.*
14. *Rowannah not to be granted without payment of Duty.*
15. *Limitation of possession or transport of Salt. Proviso.*
16. *Penalties for possessing or transporting Salt without a Rowannah.*
17. *Punishment for transporting Salt in excess of the quantity specified in the Rowannah.*
18. *Salt not being conveyed by the route and to the place prescribed in the Rowannah, to be confiscated.*
19. *Salt transported beyond the limits, not to be brought again within those limits without a special Rowannah.*
20. *Person selling or losing Salt within the limits, to certify on the back of the Rowannah the quantity sold or lost.*
21. *Penalty for omitting to certify the sale or loss of Salt within the limits*
22. *If the whole quantity of Salt be sold within the limits, or the whole or any part be carried beyond the limits, the Rowannah to be delivered up.*
23. *Inspection of Salt-works by Police Officers.*
24. *Persons carrying Salt liable to confiscation, may be arrested.*
25. *Salt seized may be weighed by Police Officer.*
26. *Persons arrested under this Act to be forthwith taken before a Magistrate and detained or admitted to bail.*
27. *Magistrate may issue search-warrant on application.*
28. *Rules regarding entry or house by force.*
29. *Magistrate may summon persons and adjudge confiscation under this Act.*
30. *Rules of the Code of Criminal Procedure regarding trial and appeal to apply to adjudications under this Act.*
31. *Seizures within Calcutta to be determined on by a Justice of the Peace.*
32. *On confiscation of any Salt, the same shall vest in Her Majesty.*
33. *Penalty for vexatious seizures and arrests.*
34. *Punishment for second and subsequent conviction.*
35. *Enforcement of penalties under this Act.*
36. *Period of imprisonment in default of payment of fine.*
37. *Charges within what period to be brought.*
38. *Writ of certiorari not to affect Justices' proceedings, and their Judgments not to be quashed but for error of law.*
39. *Board of Revenue may mitigate penalties.*
40. *Disposal of the proceeds of seizure and fines.*
41. *Limitation of suits, &c., under this Act.*
42. *Commencement of Act.*

Preamble.

WHEREAS it is expedient to amend and consolidate the laws relating to the manufacture, possession, transport, and sale of Salt in the Provinces under the control of the Lieutenant-Governor of Bengal; It is enacted as follows:—

Short Title.

I. This Act may be cited as "The Salt Act, 1864."

Laws repealed.

II. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act, so far as the same relate to the Bengal Division of the Presidency of Fort William, shall cease to have effect, except so far as they repeal the whole or part of any other Regulation or Act, and except as to acts done and liabilities incurred before this Act shall come into operation.

Interpretation.

"Salt."

"Manufacture."

"Salt-work."

"Board of Revenue.

"Magistrate."

"Police Officer."

"Seer."

"Maund."

III. The following words shall have the several meanings hereby assigned to them unless where a contrary intention shall appear from the context (that is to say)—

The word "Salt" shall include every saline substance and preparation used or intended to be used with food.

The word "manufacture" shall include the preparation or collection of Salt.

The words "Salt-work" shall mean any place used or intended to be used for the manufacture of Salt.

The words "Board of Revenue" shall mean the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.

The word "Magistrate," shall mean any person exercising the full powers of a Magistrate under the Code of Criminal Procedure.

The words "Police Officer" shall include all Village Police Officers.

The word "Seer" shall mean a weight of eighty tolahs.

The word "Maund" shall mean a weight of forty seers.

Salt in possession of servant or agent.

When Salt is in the possession of a person's servant or agent on his account, it is in that person's possession within the meaning of this Act.

The causing or procuring an act to be done is punishable in the same manner as the doing of the act.

Where the doing of any act is made punishable by this Act, or by any of the Rules to be made in pursuance thereof, with any penalty, the causing or procuring such act to be done shall be punishable in like manner.

"Rowanneh."

The word "Rowannah" shall mean a written or printed permission duly issued under the provisions of this Act to possess or transport Salt.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

Unlicensed manufacture of Salt prohibited.

IV. Within the Provinces under the control of the Lieutenant-Governor of Bengal, it shall not be lawful for any person, who is not duly licensed in the manner hereinafter provided, to manufacture Salt.

Penalty for such manufacture.

V. Whoever, without a license duly obtained under this Act, shall manufacture, or attempt to manufacture, Salt, shall be punished with fine which may extend to five hundred Rupees, or with simple imprisonment for a term which may extend to six months, or with both. The use of each Salt-work in such unlicensed manufacture shall be a separate offence within the meaning of this Section, and each fire or fire-place, or place for collecting Salt in any mode, used or intended to be used, in such manufacture, shall be deemed a separate Salt-work. The continuing, after conviction and sentence, of the offence mentioned in the introductory part of this Section, shall be considered as amounting to the commission of such offence and shall be punishable in the same way as such offence.

Confiscation of contraband Salt and materials and implements used in unlicensed manufacture.

VI. All materials and implements used or intended to be used in manufacturing Salt without a license, and all Salt so manufactured, shall be confiscated.

Board of Revenue to grant licenses on certain conditions.

VII. The Board of Revenue shall grant licenses to manufacture Salt in such places in the said Provinces and to such persons as they shall think fit. Provided that no person shall obtain a license to manufacture Salt unless he shall have complied with such terms and conditions for securing the payment of the Duty hereinafter mentioned as may be required by the said Board.

Proprietors and others to give notice to the Police of unlicensed Salt-works established on their lands.

VIII. Every proprietor, tenant, under-tenant, and cultivator who owns or holds land on which there shall be any Salt-work not licensed under the provisions of this Act, and every Naib, Gomashta, Tehsildar, or other agent employed by the Government or the Court of Wards or by any private proprietor on such land, shall, within ten days after the existence of any such Salt-work shall have come to his knowledge, give written notice of the same to a Police Officer. If any person bound to give notice under this Section shall wilfully omit or delay to give the same, he shall for every such offence be liable to a fine not exceeding five hundred Rupees for each Salt-work.

Rate of Duty to be levied on the manufacture of Salt.

IX. A Duty shall be paid on all Salt manufactured by persons licensed under this Act, at the rate of the Customs Duty levied upon Salt imported by sea.

Licensed manufacturer to provide proper warehouse.

X. Every licensed manufacturer of Salt shall, before he begins to manufacture, provide a proper and secure warehouse, to be approved by the Board of Revenue, for the purpose of depositing and securing therein the Salt to be manufactured; and all Salt manufactured by him shall in the first instance be deposited in such warehouse.

Lieutenant-Governor may prescribe Rules and impose penalties.

Proviso.

XI. The Lieutenant-Governor of Bengal shall from time to time prescribe Rules, which shall be notified in the *Calcutta Gazette*, for regulating the manufacture, deposit, and transport of Salt, and for securing the payment of the Duty thereon, and shall from time to time fix penalties for infringements of such Rules. Provided that no Rule shall be repugnant to any of the provisions of this Act or to any law in force, and that no penalty shall exceed five hundred Rupees.

The possession and transport of Salt, within certain limits, to be regulated.

XII. Within such limits as the Lieutenant-Governor of Bengal shall define by notification in the *Calcutta Gazette*, the possession and transport of all Salt shall be regulated in manner hereinafter provided.

Rowannahs by whom and how to be granted.

XIII. The Board of Revenue shall grant Rowannahs for all Salt possessed or transported within the limits so fixed, in accordance with such Rules as the Government shall from time to time make in this behalf, and on payment of such fee as may be fixed in such Rules.

Rowannah not to be granted without payment of Duty.

XIV. No Rowannah shall be granted unless the full amount of Duty on the quantity of Salt, to be specified in such Rowannah, shall have been paid.

Limitation of possession or transport of Salt.

Proviso.

XV. It shall not be lawful to possess or transport more Salt than five seers, unless the same shall be specified in a Rowannah granted under Section XIII of this Act. Provided that this Section shall not apply to Salt imported by sea and warehoused under Act VI of 1863 (*The Consolidated Customs Act,*) or to Salt deposited by a manufacturer in an approved warehouse under Section X of this Act.

Penalties for possessing or transporting Salt without a Rowannah.

XVI. Any Salt exceeding five seers in quantity, which may be found within such limits as aforesaid, not specified in a Rowannah, shall be held to be contraband, and as such shall be seized and confiscated. The vessels, packages, and covering in which such Salt shall be found, and any animals or conveyances used in carrying it, shall also be seized and confiscated. Any person possessing, or transporting, or attempting to transport, such Salt, shall be liable to a fine not exceeding five Rupees for every maund of Salt so seized and confiscated. All persons found in gangs or companies transporting, or attempting to transport, such Salt, when the whole quantity exceeds ten seers, shall be liable to the like penalty and each one of the offenders shall be liable to the whole fine. In the cases aforesaid the fine shall be at the rate of five Rupees per maund, according to the quantity of Salt seized, whether more or less than one maund.

Punishment for transporting Salt in excess of the quantity specified in the Rowannah.

XVII. If any person shall possess, transport, or attempt to transport, within the said limits, under a Rowannah, a greater quantity of Salt than is specified in such Rowannah, the excess, as well as the quantity so specified, shall, if such excess be found on weightment to exceed two and a half per cent on the quantity so specified, be held to be contraband, and as such shall be seized and confiscated. Any person possessing or transporting, or attempting to transport, such Salt shall be liable to a fine of five Rupees for every maund of Salt, in excess of the quantity so specified.

Salt not being conveyed by the route and to the place prescribed in the Rowannah, to be confiscated.

XVIII. Salt being conveyed by a route or to a place other than that specified in such Rowannah, shall be seized and confiscated. Any person possessing, or transporting, or attempting to transport, such Salt, shall be liable to the penalty prescribed in Section XVI of this Act.

Salt transported beyond the limits, not to be brought again within those limits without a special Rowannah.

XIX. Salt which may have been transported beyond the said limits, shall not again be brought within those limits except under a special Rowannah granted for the purpose under the authority of the Board of Revenue. Any Salt brought within such limits without such special Rowannah, shall be seized and confiscated, and the persons in whose possession it may be found shall be liable to the penalty prescribed in Section XVI of this Act for the possession of contraband Salt. It shall be competent to the said Board to withhold or grant such Rowannah.

Person selling or losing Salt within the limits, to certify on the back of the Rowannah the quantity sold or lost.

XX. All persons possessed of Salt specified in a Rowannah, who may sell, lose, or otherwise dispose of, any portion of such Salt within the said limits, shall certify on the back of such Rowannah the quantity sold, lost, or disposed of by them.

Penalty for omitting to certify the sale or loss of Salt within the limits.

XXI. Whoever within the said limits sells, loses, or disposes of Salt, and wilfully or negligently omits to certify such sale, loss, or disposal thereof in the manner above described, shall be liable to a fine not exceeding five Rupees for every maund so sold, lost, or disposed of by him, and any Salt in his possession, not exceeding twice the quantity sold, lost, or disposed of, may be seized by an Officer in charge of the Police Station as security for the payment of such fine.

If the whole quantity of salt be sold within the limits or the whole or any part be carried beyond the limits, the Rowannah to be delivered up.

XXII. If all the Salt specified in a Rowannah be disposed of within the said limits, such Rowannah shall be delivered up to the Officer in charge of the Police Station within which the last parcel of the Salt shall have been disposed of. If any part of the Salt specified in such Rowannah be carried beyond the said limits, such Rowannah shall in that case be delivered up to the Officer in charge of the last Police Section which such Salt may have to pass before being carried beyond the said limits.

Inspection of Salt works by police Officers.

XXIII. Any Police Officer may enter and inspect, at any time by day or night, any Salt-work, or any warehouse or premises in which Salt is stored.

Persons carrying Salt liable to confiscation, may be arrested.

XXIV. Any Police Officer may arrest any person carrying or in possession of contraband Salt, and may seize the vessels, packages, and covering, and any animals or conveyances used in carrying such Salt.

Salt seized may be weighed by Police Officer.

XXV. For the purposes of the preceding Section and of Sections XVI and XVII of this Act, it shall be lawful for the Officer in charge of the Police Station within which the Salt shall be found, to cause the same to be weighed.

Persons arrested under this Act to be forthwith taken before a Magistrate and detained or admitted to bail.

XXVI. Any person arrested on the ground that he has been guilty of an offence under this Act, shall forthwith be taken before a Magistrate or Justice of the Peace, who may, if he see reasonable cause, order such person to be detained in custody until the case shall have been disposed of in the manner hereinafter provided. Provided that any person so detained shall be liberated, on giving recognizance or security to appear at such time and place as shall be appointed for his appearance.

Magistrate may issue search warrant on application.

XXVII. It shall be lawful for the Magistrate of a District or Division of a District, on application by a Police Officer, stating his belief that Salt is manufactured in any place within such District or Division contrary to the provisions of this Act, or that Salt not specified in a Rowannah is kept or concealed in any house, boat, or place in such District or Division, to issue a warrant to search for such Salt. Such warrant shall be executed in the same way and shall have the same effect as a search-warrant issued under the Code of Criminal Procedure. It shall be lawful for any Magistrate of the Town of Calcutta, on the like application in reference to Salt believed to be manufactured in Calcutta contrary to the provisions of this Act, or kept or concealed contrary to the provisions of this Act in any house, boat, or place in Calcutta, to issue a warrant, which shall be executed in the same way and shall have the same effect as a search-warrant under Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*).

Rules regarding entry of a house by for-

XXVIII. Whenever any Officer in charge of a Police Station shall have reasonable cause to believe from information (which shall be taken down in writing) that Salt is being manufactured in any place contrary to the provisions of this Act, or that Salt not specified in a Rowannah is kept or concealed in any house, boat, or place, such Officer may, between sunrise and sunset, but always in the presence of another Police Officer, enter into any such house, boat, or place, and in case of resistance may break open any door and remove any obstacle to such entry; and may seize and carry away all such Salt so found, and all materials and implements used or intended to be used, in the manufacture, and may arrest all persons concerned in the manufacture or in the keeping and concealing of such Salt. Provided that, whenever it shall be necessary to enter any house in such manner, the rules for entering a house in execution of a search-warrant, prescribed in Chapter VIII of the Code of Criminal Procedure, and in the said Act XIII of 1856, shall be observed by the officer effecting such entry.

Magistrate may summon persons and adjudge confiscations under this Act.

XXIX. When any Salt or other property shall be seized as contraband, any Magistrate within the District or Division of a District wherein the same may be seized, may, upon the information of any Police Officer, summon the person in possession of such Salt or other property, or to whom the same may belong, to appear before him, and upon such appearance, or in default thereof, may examine into the cause of the seizure thereof, and may adjudge the same to be confiscated.

Rules of the Code of Criminal Procedure regarding trial and appeal to apply to adjudications under this Act.

XXX. The rules contained in the Code of Criminal Procedure for the trial of cases before a Magistrate, and for appeal against orders passed by a Magistrate, shall be applicable to adjudications under the last preceding Section.

Seizures within Calcutta to be determined on by a Justice of the Peace.

XXXI. When any Salt or other property shall be seized under this Act as liable to confiscation within the local limits of the Town of Calcutta, such seizure shall upon information exhibited by any Police Officer, be heard and determined in a summary way by a Justice of the Peace for the Town of Calcutta, and such Justice shall cause the person in possession of such Salt or other property, or to whom the same may belong, to be summoned to appear before him, and upon such appearance or in default thereof, shall enquire into the cause of such seizure, and may adjudge, the same to be confiscated,

On confiscation of any Salt, the same shall vest in her Majesty.

XXXII. When the confiscation of any Salt or other property shall be adjudged under the three last preceding Sections, the same shall thereupon belong to, and vest in, Her Majesty, and a warrant shall be issued by the Court to a Police Officer, directing him to hold the Salt or other property confiscated at the disposal of the Board of Revenue.

Penalty for vexatious seizures and arrests.

XXXIII. Any Police Officer who shall vexatiously and unnecessarily seize the goods or chattels of any person on the pretence of seizing or searching for contraband Salt, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding five hundred Rupees, or to simple imprisonment for a term not exceeding six months.

Punishment for second and subsequent convictions.

XXXIV. Whenever any person shall be convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to simple imprisonment for a period not exceeding six months, and a like punishment of imprisonment not exceeding six months shall be inflicted, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Enforcement of penalties under this Act.

XXXV. All penalties imposed by this Act may be enforced, if for offences not committed within the local limits of the Town of Calcutta, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by the said Act XIII of 1856 and Act XLVIII of 1860 (*to amend Act XIII of* 1856), or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Period of imprisonment in default of payment of fine.

XXXVI. In every case in which an offender shall be sentenced to a fine, the Court which sentences such offender shall direct by the sentence that in default of payment of the fine such offender shall be imprisoned for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced. The term of imprisonment shall be fixed according to the following scale, that is to say: when the fine shall not exceed fifty Rupees, such term shall not exceed two months; when the fine shall not exceed one hundred Rupees, such term shall not exceed four months; and in any other case shall not exceed six months. The fine, or any part thereof which shall remain unpaid, may be levied at any time within six years after the passing of the sentence, and the death of the offender shall not discharge from liability any property which would after his death be legally liable for his debts.

Charges within what period to be brought.

XXXVII. No charge of an offence under this Act shall be instituted except within six months after the commission of such offence.

Writ of *certiorari* not to affect Justices, proceedings and their judgments not to be quashed but for error of law.

XXXVIII. No writ of *certiorari* shall be issued at the suit of any party out, of the High Court of Judicature, to supersede, stay, remove, or in any wise affect any information or judicial proceeding before any Justice of the Peace in pursuance of this Act, and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

Board of Revenue may mitigate penalties.

XXXIX. When any confiscation or penalty shall be adjudged under this Act, the Board of Revenue, within three months after final judgment, may call for the proceedings of the case, and if they shall see cause may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof and direct that the offender be discharged.

Disposal of the proceeds of seizure and fines.

XL. All fines paid or levied under Section XXXV of this Act shall be at the disposal of the Board of Revenue, and the said Board may appropriate the same or any portion thereof, and the proceeds of any seizure or any portion of such proceeds, to form a fund for rewarding the Police of such grades as may be determined by the said Board, and for rewarding informers, and for compensating persons subjected to annoyance or injury by any proceedings under this Act.

Limitation of suits &c. under this Act.

XLI. No suit, action, or other proceedings shall be commenced against any person for any thing done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended suit, action, or other proceeding, and of the cause thereof; nor after the expiration of three months from the accrual of the cause of suit, action, or other proceeding.

Commencement of Act.

XLII. This Act shall come into operation on such day as the Lieutenant Governor of Bengal shall fix by notification in the *Calcutta Gazette*.

SCHEDULE.

Regulations and Acts and parts of Regulations and Acts repealed.

NUMBER AND DATE OF REGULATION OR ACT.	TITLE.	EXTENT OF REPEAL.
Regulation XX of 1817 ...	For reducing into one Regulation, with amendments and modifications, the several Rules which have been passed for the guidance of Darogahs and other Subordinate Officers of Police; for modifying the existing Rules concerning the resistance or evasion of Criminal Process, and for requiring further aid to the Police, in certain cases, from proprietors and farmers of land and their local managers, as well as from the Munduls and other heads of villages	So much of Section 29 as relates to the execution of Criminal process in the Salt Department.
Regulation X of 1819 ..	For reducing into one Regulation, with alterations and amendments, the rules at present in force respecting the manufacture, adulteration, importation, transportation, and sale of Salt	The whole.
Regulation X of 1826 ...	For removing doubts as to the application of Section 1 Regulation X. 1819 to the District of Gorruckpore, for prohibiting the manufacture within any of the Districts of Bengal, Behar, and Orissa, of Noonchye or any description of saline substance used as a condiment with food, excepting on account of, or with the permission of, Government, and for providing for the retail sale of Salt by Government Officers in certain cases	The whole.
Regulation IV of 1832 ...	For declaring and explaining the meaning and intention of Section XLI Regulation X. 1819	The whole.
Act IX of 1835	Appointment of Uncovenanted Superintendents of Salt Chowkies	The whole.
Act XXIX of 1838	Regarding the search and seizure of contraband Salt	The whole.
Act XIII of 1849	To prevent the smuggling of Salt into Calcutta	The whole.
Act III of 1851	To amend Regulation X. 1819 and Act XXIX of 1838, for preventing the unlawful manufacture and transportation of Salt	The whole.

ACT No. I OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 31st December 1864 and of the Governor-General on the 6th January 1865.)

An Act to render valid certain acts and proceedings of the Judge of the Court of Session of the Zillah of the 24-Pergunnahs.

Certain orders, decisions, and proceedings of the Sessions Judge of the 24-Pergunnahs, rendered valid.

Preamble.

WHEREAS, by an Order of the Honorable the President of the Council of India in Council made on the 27th day of February 1834, a certain tract comprising the Thannah Divisions known as Ompta, Ooloobariah, Kotra, Rajapore, and Bugwan, and part of the Thannah Division of Bydabattee, on the western bank of the River Hooghly, was transferred from the Zillah of Hooghly to the Zillah of the 24-Pergunnahs in regard to all matters of Police and the administration of Criminal Justice; and whereas, by an order of the Governor-General in Council notified in the Calcutta Gazette on the 13th of July 1863, the River Hooghly was constituted the western boundary of the Zillah of the 24-Pergunnahs and of the local Jurisdiction of the Sessions Court of the said Zillah; and whereas, without adverting to such last mentioned Order, the Judge of the said Court continued to exercise Criminal Jurisdiction in regard to the said Thannah Divisions, and it is necessary to give validity to acts and proceedings so done and held without Jurisdiction; It is enacted as follows:—

Certain orders, decisions, and proceedings of the Sessions Judge of the 24-Pergunnahs, rendered valid.

No order or decision passed, and no Proceeding held, prior to the passing of this Act, by the Judge of the Court of Session of the 24-Pergunnahs, nor any order that may have been or may hereafter be passed on appeal from such order, decision, or proceeding, shall be deemed to be invalid merely by reason of such order or decision having been passed, or such proceeding having been held, after the date of the said Order of the Governor-General in Council, and being contrary to the provisions thereof.

ACT NO. II OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant Governor on the 31st December 1864, and of the Governor General on the 6th January 1865).

An Act to repeal Act IX of 1862 passed by the Lieutenant-Governor of Bengal in Council (An Act to amend the law relating to the appointment of Registers of Deeds, and to provide for the establishment of Deputy Register Offices.)

Act IX of 1862 repealed.

Preamble.

WHEREAS it is expedient to repeal Act IX of 1862 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows:—

Act IX of 1862 repealed.

Act IX of 1862 passed by the Lieutenant-Governor of Bengal in Council *(An Act to amend the law relating to the appointment of Registers of Deeds, and to provide for the establishment of Deputy Register Offices)* is hereby repealed from the date on which Act XVI of 1864 passed by the Governor-General of India in Council *(An Act to provide for the Registration of Assurances)* shall have come into operation within the Provinces subject to the control of the Government of Bengal.

ACT No. III OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 28th January 1865, and of the Governor-General on the first February 1865).

An Act to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of inflammable Oils in Ports and places, within the Provinces under the control of the Lieutenant-Governor of Bengal.

1. *Interpretation.* "*The Conservator.*" "*Master.*" "*Owner.*" "*Inflammable Oil.*" "*Port.*" "*Magistrate.*" *Number.*
2. *Lieutenant-Governor may extend provisions of this Act to any Port or place.*
3. *Conservator may require assistance from Ships exceeding 500 tons burthen for the purpose of extinguishing fire.*
4. *Punishment on Masters and Seamen for neglect or refusal to comply with the orders of the Conservator under the last preceding Section.*
5. *After the passing of this Act, not more than 40 gallons of Inflammable Oil to be kept without a license.*
6. *Inflammable Oil kept contrary to the provisions of this Act, may be seized under a search warrant.*
7. *Inflammable Oil carried without a license in quantities exceeding 20 gallons, may be seized without a search warrant.*
8. *Lieutenant-Governor may make Rules.*
9. *Publication of Rules, Repeal or alteration thereof.*
10. *Penalty for infringement of Rules in the case of any vessel.*
11. *Penalty for keeping Inflammable Oil in unlicensed building. Penalty for carrying, without a license, more than 20 gallons of inflammable Oil. Penalty for breach of conditions of license.*
12. *Search warrant.*
13. *Upon seizure of Inflammable Oil, Magistrate having jurisdiction may summon owner, &c., and adjudicate thereon.*
14. *Procedure in such cases.*
15. *Disposal of Inflammable Oil confiscated under this Act.*
16. *Jurisdiction over offences committed beyond the local limits of a Magistrate's jurisdiction.*
17. *Recovery of fines.*
18. *Exemption.*

Preamble. WHEREAS it is expedient that better provision should be made for the prevention of injury from fire in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal; and it is also expedient to make provision for the safe storing and keeping of Inflammable Oils within the said Provinces; It is enacted as follows:—

Interpretation. I. The following words for the purposes of this Act have the meanings hereby assigned to them, unless where a contrary intention appears from the context, that is to say:—

"The Conservator." The words "The Conservator" denote the Master Attendant or other Officer executing the office of Conservator under Act XXII of 1855 *(for the regulation of Ports and Port-dues)* in any Port to which this Act applies.

"Master." The word "Master" denotes any person, except a Pilot or Harbour Master, having temporary or permanent command or charge of any vessel.

"Owner." The word "Owner" includes any consignee of goods and agent to whom a vessel is consigned.

"Inflammable Oil." The words "Inflammable Oil" include Petroleum, Benzole, Kerosine, and any Oil or product of Oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

"Port." The word "Port" denotes any Port, navigable river, or channel within the Provinces aforesaid subject to the provisions of Act XXII of 1855.

"Magistrate." The word "Magistrate" includes any Officer exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and any Magistrate of Police for the Town of Calcutta.

Number. Words importing the singular number include the plural, and words importing the plural number include the singular.

II. The Lieutenant-Governor of Bengal may, by Notification in the Calcutta Gazette, extend the provisions of this Act to any Port or place within the Provinces under his control, and the provisions of this Act, so far as relates to Ports, when so extended, shall be deemed to be incorporated with Act XXII of 1855, so far as the said Act relates to the said Provinces and is not altered by this Act.

Lieutenant-Governor may extend provisions of this Act to any Port or place.

III. For the purpose of preventing or extinguishing fire in any Port to which the provisions of this Act shall have been extended, it shall be lawful for the Conservator to require the Master of any Ship of more than five hundred tons burthen and not belonging to Her Majesty's Navy or to the Navy of any Foreign State, to place at his disposal such number as he shall require, not exceeding three-fourths, of the crew then under the orders of such Master.

Conservator may require assistance from Ships exceeding 500 tons burthen for the purpose of extinguishing fire.

IV. Any such Master who shall refuse or neglect to comply with such requisition, shall be punished with a fine not exceeding five hundred Rupees; and any Seamen then under the orders of such Master, who shall, after being directed by the Master to obey the orders of the Conservator for the purpose aforesaid, refuse to obey such orders, shall be punished with a fine not exceeding twenty-five Rupees.

Punishment on Masters and Seamen for neglect or refusal to comply with the orders of the Conservator under the last preceding Section.

V. From and after the passing of this Act, it shall not be lawful, within the said Provinces, to place or keep more than forty gallons of Inflammable Oil within fifty yards of any dwelling-house or of any building in which goods are stored, unless such Oil shall be placed in a building approved and licensed for the purpose by an Officer authorized in that behalf by the Lieutenant-Governor of Bengal.

After the passing of this Act, not more than 40 gallons of Inflammable Oil to be kept without a license.

VI. Any Inflammable Oil placed or kept in a manner contrary to the provisions of this Act, may, together with the receptacle containing such Oil, be seized by any Police Officer under a search warrant as hereinafter mentioned.

Inflammable Oil kept contrary to the provisions of this Act, may be seized under a search warrant.

VII. The Officer authorized in the manner aforesaid to grant licenses, may grant to any person a license for the transit and carrying of Inflammable Oil from one place to another in greater quantities than twenty gallons. Whenever more than twenty gallons shall be carried by any person without a license, such Oil may, together with the receptacle containing such Oil, be seized by any Police Officer without a search warrant.

Inflammable Oil carried without a license in quantities exceeding 20 gallons, may be seized without a search warrant.

VIII. It shall be lawful for the Lieutenant-Governor of Bengal from time to time to make Rules for regulating the following matters:—

Lieutenant-Governor may make Rules.

1. The prevention of injury from fire in Ports and places at which vessels entering Port with Inflammable Oil on board are to be moored.

2. The mode in which such Oil shall be landed from such vessels.

3. The survey and approval by the Licensing Officer of buildings required to be licensed under this Act, and the terms and conditions under which licenses for buildings and licenses for removal of Oil are to be granted.

IX. Such Rules as aforesaid shall be published in the Calcutta Gazette, and copies thereof shall be fixed up in some conspicuous place in the Office of every Conservator and in every Custom House. It shall be lawful for the said Lieutenant-Governor from time to time to repeal, add to, or alter any such Rules.

Publication of Rules. Repeal or alteration thereof.

X. If any Rules made and published as aforesaid, shall be infringed in the case of any vessel, the Owner or Master of such vessel shall be liable to a fine not exceeding two hundred Rupees for each day during which such Rules shall be so infringed.

Penalty for infringement of Rules in the case of any vessel.

XI. *Clause* 1. Whoever, after the passing of this Act, shall place or keep Inflammable Oil in an unlicensed building contrary to the provisions of this Act, shall be liable to a fine not exceeding two hundred Rupees a day for each day during which such Oil is so placed or kept.

Penalty for keeping Inflammable Oil in unlicensed building.

Clause 2. Whoever, after the passing of this Act, shall without a license in that behalf, carry a greater quantity than twenty gallons of Inflammable Oil from one place to another shall, for such offence, be liable to a fine not exceeding fifty Rupees.

Penalty for carrying, without a license, more than 20 gallons of Inflammable Oil.

Clause 3. Whoever shall be guilty of a breach of the terms or conditions of any license granted under this Act shall, for such offence, be liable to a fine not exceeding two hundred Rupees, and to forfeiture of his license; and all inflammable Oil in the possession of such person may be seized by a Police Officer under a search warrant as hereinafter mentioned.

Penalty for breach of conditions of license.

XII. A Magistrate may, on information laid before him on oath or solemn affirmation and reduced into writing, issue his warrant, authorising a Police Officer to search, in the day-time, any building or place, vessel, boat, or vehicle, in which he has reasonable ground to suspect that any Inflammable Oil is placed, kept, or carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all Inflammable Oil found on such search shall, together with the vessels or receptacles in which it may be stored or carried, be immediately seized and kept, pending the judgment of such Magistrate. Such warrant shall

Search warrant.

be executed and have effect within the Town of Calcutta under Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*), and elsewhere under the Code of Criminal Procedure.

Upon seizure of Inflammable Oil, Magistrate having jurisdiction may summon owner, &c., and adjudicate thereon.

XIII. When any Inflammable Oil shall be seized under this Act, the Magistrate within whose jurisdiction the same may be seized, may, upon the information of any Police Officer, summon the owner of such Inflammable Oil, or the person in whose possession, or the Master of the Ship on board of which, it may be found, to appear before him, and upon such appearance, or in default thereof, may examine into the cause of the seizure thereof, and may adjudge the same to be confiscated.

Procedure in such cases.

XIV. The Rules contained in the Code of Criminal Procedure for the trial of cases before a Magistrate and for appeals against orders passed by a Magistrate, shall be applicable to adjudication under the last preceding Section, except where the seizure is made within the Town of Calcutta.

Disposal of Inflammable Oil confiscated under this Act.

XV. When the confiscation of any Inflammable Oil shall be adjudged under this Act, such Oil shall thereupon belong to, and vest in Her Majesty, and a warrant shall be issued by the adjudicating Magistrate to a Police Officer, directing him to hold such Oil at the disposal of the Government of Bengal.

Jurisdiction over offences committed beyond the local limits of a Magistrate's jurisdiction.

XVI. In any Port to which the provisions of this Act shall have been extended, if any person shall infringe any of such provisions, or any Rule made in pursuance of this Act, such infringement shall be punishable by a Magistrate having jurisdiction over any District or place adjoining such Port, and such Magistrate may proceed as if such infringement had been committed locally within the limits of his jurisdiction.

Recovery of fines.

XVII. All fines imposed under this Act may be recovered, if for offences committed beyond the Town of Calcutta in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within the Town of Calcutta in the manner prescribed by Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*), and Act XLVIII of 1860 (*to amend Act XIII of 1856*), or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Exemption.

XVIII. The provisions of this Act shall not extend to any building used by, or to any Inflammable Oils belonging to, Government.

ACT NO. IV OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 27th March 1865, and of the Governor-General on the 5th April 1865.)

An Act for the prohibition of the practice of Inoculation in the Town and Suburbs of Calcutta and in Towns to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended.

1. Penalty for inoculating or otherwise producing Small Pox.
2. Penalty for entering into any place subject to this Act, without a proper Certificate, before forty days from date of Inoculation.
3. Act where to take effect.
4. Mode of Procedure.

Preamble.

WHEREAS it is found that Small Pox is spread by Inoculators who infect persons living in Towns without adopting any precaution against contagion; and whereas proper and sufficient arrangements have been made in the Town of Calcutta and in its Suburbs, and in certain other Towns in the Province of Bengal, for the Vaccination or Inoculation with the Cow Pox of the inhabitants thereof respectively; and it is desirable to prohibit by law the practice of Inoculation with the Small Pox in such Towns and places; It is enacted as follows:—

Penalty for inoculating or otherwise producing Small Pox.

I. Any person who shall hereafter produce, or attempt to produce, in any person, by Inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of Small Pox in any person, shall be liable, on conviction before a Magistrate, to imprison-

ment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

Penalty for entering into any place subject to this Act, without a proper Certificate, before forty days from date of Inoculation.

II. If any person, having been inoculated with the Small Pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the Town of Calcutta, or any other Town or place to which such provisions shall then be applicable, before the lapse of forty days from the date of such Inoculation, or without a Certificate from a qualified Medical Officer stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

Act where to take effect.

III. This Act shall take effect in the Town of Calcutta and in the Station of Howrah and Suburbs of Calcutta, as the same are defined in the Schedule appended to Act XXI of 1857 (*to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah*), from the date of the passing of this Act; and it shall be lawful for the Lieutenant-Governor of Bengal, at any time after such date, by Notification published in the Calcutta Gazette, to extend this Act to any Town or place to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council (*the District Municipal Improvement Act*), shall then apply, or in which there shall then be any Military Cantonment, or in which it shall appear to the Lieutenant-Governor of Bengal that at the time of such Notification there exist proper and sufficient arrangements for the Inoculation of the inhabitants thereof with the Cow Pox.

Mode of Procedure.

IV. The provisions of the Code of Criminal Procedure relative to the meaning thereby assigned to the word "Magistrate", and to cases triable under Chapter XV of the said Code, and to the recovery of fines, shall apply to the case of any offence committed against this Act beyond the Town of Calcutta; and the provisions of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*), and of Act XLVIII of 1860 (*to amend Act XIII of 1856*), or any other Act for regulating the Police of the Town of Calcutta for the time being in force, shall apply to the case of any such offence committed within the said Town. Whenever the convicting Magistrate shall sentence the offender to fine, it shall be lawful for such Magistrate to award any portion, not exceeding one-half, of such fine to the person on whose information such offender has been convicted.

BENGAL SECRETARIAT LIBRARY.

ACT No. V of 1865.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 5th April 1865, and of the Governor-General on the 10th idem.)

An Act to amend Act II of 1864 passed by the Lieutenant-Governor of Bengal in Council (An Act for the regulation of Jails and the enforcement of discipline therein), and to extend the provisions thereof to the Presidency Jail.

1. *Act IV of 1862 repealed.*
2. *Sections V, XV, and XIX of Act II of 1864 repealed.*
3. *Civil and Criminal Jails to be under whose control.*
4. *Punishment for breaches of Rules and of Jail discipline.*
5. *Prisoners sentenced to rigorous imprisonment may be confined in irons for the purpose of safe custody. Proviso.*
6. *Prisoners convicted of escaping or attempting to escape from custody may be confined in irons for a period not exceeding one year for the first offence, and for the whole remaining term of imprisonment for the second and subsequent offences.*
7. *Lieutenant-Governor may make Rules, &c., for the Presidency Jail.*
8. *Powers of the Superintendent of the Presidency Jail.*

Preamble.

WHEREAS it is expedient to amend certain provisions of Act II of 1864 passed by the Lieutenant-Governor of Bengal in Council; and whereas by Act XII of 1865 of the Governor-General of India in Council the custody of persons confined

in the Great Jail of Calcutta is vested in an Officer to be appointed by the Government of Bengal; It is enacted as follows :—

Act IV of 1862 repealed.

I. Act IV of 1862 passed by the Lieutenant-Governor of Bengal in Council is hereby repealed, save as regards any act done thereunder.

Sections V, XV, and XIX of Act II of 1864 repealed.

II. Sections V, XV, and XIX of the said Act II of 1864 are hereby repealed, and the following Sections shall be read with and taken as part of the said Act II of 1864.

Civil and Criminal Jails to be under whose control.

III. The Civil and Criminal Jail in every District shall, unless the Government shall invest some other Officer with the control thereof, be under the control of the Magistrate of the District, or of any Magistrate to whom the Magistrate of the District may make over the control thereof; and the Jails in any Division of a District shall be under the control of the Magistrate who shall be in charge of such Division, acting under the instructions of the Magistrate of the District.

Punishment for breaches of Rules and of Jail discipline.

IV. It shall be lawful for the Officer in whom the control of a Jail shall be vested, to inquire into all breaches of the Rules that may be made under this Act, and to punish prisoners guilty of any breach thereof, or of violent or refractory conduct, or of using insolent language, or of refusing or wilfully neglecting to perform the work, or of wilfully mismanaging the work allotted to them, or of wilfully disabling themselves for labor. Such punishment may consist of separate confinement, of corporal punishment not exceeding thirty stripes of a rattan, or of confinement in irons for a period not exceeding one month in the case of a first offence, and for a period not exceeding six months in the case of a second offence of the same description. Provided that corporal punishment or confinement in irons shall not be inflicted on any female prisoner or on any person imprisoned in a Civil Jail, and that confinement in irons may be inflicted on hardened offenders for any period not exceeding one year.

Prisoners sentenced to rigorous imprisonment may be confined in irons for the purpose of safe custody.

Proviso.

V. In any case in which the Officer in whom the control of the Jail shall be vested, shall consider it necessary for the safe custody of any prisoner who shall have been sentenced to rigorous imprisonment, that such prisoner shall be confined in irons, it shall be lawful for such Officer so to confine the said prisoner. Provided that, in every case in which any prisoner shall be confined in irons solely under the provisions of this Section, it shall be the duty of the Officer in whom the control of the Jails shall be vested, to report the circumstances under which such prisoner shall have been so confined, without delay, to the Officer who shall have been appointed by the Lieutenant-Governor of Bengal under Section VIII of the said Act II of 1864.

Prisoners convicted of escaping or attempting to escape from custody may be confined in irons for a period not exceeding one year for the first offence, and for the whole remaining term of imprisonment for the second and subsequent offences.

VI. If any prisoner, whether he shall have been sentenced to rigorous or only to simple imprisonment, shall be convicted, under Section 224 of the Indian Penal Code, of having attempted to escape from such imprisonment, it shall be lawful for the Officer in whom the control of the Jail shall be vested, in carrying into execution the remainder of such sentence or imprisonment, or any portion of the punishment to which such prisoner may be sentenced for such attempt, to confine the said prisoner in irons for a period not exceeding one year in the case of a first offence, and for the whole term of imprisonment to which the said prisoner shall have been sentenced, in the case of a second or any subsequent offence.

Lieutenant-Governor may make Rules, &c., for the Presidency Jail.

VII. From and after the passing of this Act, the power of making Rules and of appointing Visitors, Medical Officers, Jailors, and Inspectors, which by Sections VII, VIII, IX, XI, XII, XV, and XVI of the said Act II of 1864 are vested in the Government of Bengal, may be exercised by such Government with respect to the Presidency Jail, and all person confined and to be confined therein; and the said Government shall have the power of transferring prisoners from any Jail within the Provinces under its control to any other Jail within the same limits, provided that such transfer shall, on the report of the person or persons appointed under Section VIII of Act II of 1864, appear necessary.

Powers of the Superintendent of the Presidency Jail.

VIII. From and after the passing of this Act, all and singular the powers and authorities, which, by the said Act II of 1864 and by this Act, are conferred on the Officer in whom the control of a Jail shall be vested, shall and may, as respects persons confined or to be confined in the said Presidency Jail, be exercised by the Superintendent of the Presidency Jail. The provisions of Section XVII of the said Act II of 1864 are hereby extended to the said Presidency Jail.

ACT No. VI OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 11th April 1865, and of the Governor-General on the 15th April 1865.)

An Act to provide for the regulation and enforcement of Contracts for labor at places to which, by virtue of such Contracts, the Laborer is to be conveyed at the expense of the Employer.

1. Interpretation. "Laborer." "Protector." Number and Gender.

2. Recruiter, bringing Laborer to engage in a District to which he does not belong, may be fined.

3. Previous Section not to apply to Recruiters bringing Laborers from a District not within Bengal.

4. Minimum rate of wages and maximum amount of compulsory labor.

5. On transfer of an estate, the contract shall be valid against, and enure to the benefit of, the new owner.

6. Contract may be transferred by mutual consent.

7. Hospital, Medicines, and Medical Officer.

8. Penalty for breach of last Section.

9. Appointment and powers of Protectors.

10. Appointment and powers of Inspectors.

11. Return of Laborers to be sent in half-yearly by Employer, &c., to Protector.

12. Penalty for refusing or omitting to send in Return or sending in incorrect Return.

13. Yearly rate to be fixed for each estate.

14. Employer, &c., to send in the rate due according to Return.

15. Employer, &c., failing to send in the rate in due time, how to be dealt with.

16. Books to be kept, and periodical visits and Reports made, by Protector.

17. Magistrate, Protector, &c., may inspect any estate at any time.

18. Penalty on person obstructing inspection, &c,

19. Protector may suspend contract of any Laborer temporarily unfitted for labor.

20. Penalty for unlawfully compelling any Laborer to work.

21. Protector to give Certificate to Laborer permanently unfitted for labor.

22. Laborer who has completed his contract, to be permitted to have such completion registered.

23. Release from contract how to be purchased.

24. A Certificate to be given to Laborer whose contract has determined or been completed, or who has purchased release therefrom.

25. Laborer who has completed his contract or been released therefrom, may enter into a fresh contract.

26. If Laborer desire to complain, Employer to give notice to Protector.

27. Protector how to proceed on receipt of notice of complaint.

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32. Contract to be cancelled if Employer be convicted by the Court of Session, or be twice convicted by a Magistrate, of an offence against the Laborer, or if wages be not paid for more than six months, or if Laborer have been grossly ill-used.

33. Penalty on Laborer for absenting himself without sufficient cause.

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35. Laborer deserting may be apprehended without a warrant. Proviso. Further proviso.

36. Laborer, when made over to the Police, to be taken before the nearest Magistrate.

37. Penalties for description and wrongful apprehension.

38. Provisions regarding desertion and unlawful absence to apply to desertion in transit.

39. Penalty for enticing away, harbouring, or employing Laborers under contract to another person.

40. Portion of sentence may be cancelled if Employer apply for return of Laborer.

41. Conviction not to operate as a release, but on expiry of sentence Laborer to be made over to Employer.

42. Sentence to be endorsed on contract. Periods of imprisonment and unlawful absence to be added to term of service.

43. Imprisonment in default of payment of fine.

44. If the protector believe any estate or part thereof to be unfit for habitation a Committee shall be summoned.

45, Construction of Act.

Preamble.

WHEREAS it is expedient to provide for the due protection of native Laborers who have been or shall hereafter be conveyed at the expense of their Employers, under the provisions of Act III of 1863, passed by the Lieutenant-Governor of Bengal in Council *(an Act to regulate the transport of Native Laborers to the Districts of Assam, Cachar, and Sylhet)*, or of any other law, to Districts other than the Districts to which they belong ; and for the due enforcement of the contracts entered into by such Laborers with the persons whom they shall have engaged to serve for hire ; It is enacted as follows :—

Interpretation. "Laborer."

I. Throughout this Act the word " Laborer" means a Laborer who has heretofore entered or shall hereafter, under the provisions of the said Act III of 1863 or of any other law, enter into a contract by which he has been or shall be conveyed to the place of labor at the expense of the Employer contracting.

"Protector."

The term " Protector " includes any Officer appointed by the Lieutenant-Governor of Bengal to perform all or any of the duties of a Protector under this Act.

Number and Gender.

Words used in the masculine gender include the feminine, and the singular number includes the plural.

Recruiter, bringing Laborer to engage in a District to which he does not belong, may be fined.

II. If, upon any examination made in accordance with Section XI of the said Act III of 1863, or any other law, it shall appear that any Laborer, belonging to any District in the Provinces under the control of the Lieutenant-Governor of Bengal, brought before the Magistrate by a Recruiter, or otherwise, does not belong to the District in which the examination has been conducted, and has not resided there a reasonable time for purposes of his own, or come there of his own accord to seek for employment, but has been brought thither from another District in the said Provinces with the view of prevailing upon him to enter into an engagement there, it shall be lawful for the Magistrate to fine the Recruiter such sum as, in the judgment of the Magistrate, may be sufficient to enable the Laborer to return to the District to which he belongs, and to apply such fine to the reconveyance of such Laborer to such District.

Previous Section not to apply to Recruiters bringing Laborers from a District not within Bengal.

III. The provisions of the preceding Section shall not apply to any Laborer who shall come from any Province or District, not under the control of the Lieutenant-Governor of Bengal, for the purpose of entering into an engagement in a District under such control. Any Laborer recruited in any such Province or District as last aforesaid, shall be taken by the Recruiter, for the purpose of registry under Section II of the said Act, before a Magistrate of that District, subject to the control of the Lieutenant-Governor of Bengal, into which such Laborer shall first come after his engagement.

Minimum rate fo wages and maximum amount of compulsory labor.

IV. Each Laborer shall, under all circumstances, except as hereinafter specially provided, and notwithstanding any thing to the contrary contained in his contract, be entitled to wages at the minimum rate following, namely, five Rupees a month if a male over twelve years of age; four Rupees a month if a female over that age ; and three Rupees a month if under that age ; or at the rate specified in the contract if more than such minimun rate ; and shall not be bound to serve under his contract for a longer period than three years from either the time at which such contract shall be entered into, or, in the case of contracts which have been entered into before the passing of this Act, from the date on which the Act may come into operation ; nor to work on any Sunday, or for more than six hours consecutively on each of the other six days in any week ; nor for more than nine hours in each day. It shall be the duty of the Superintendent before whom any future contract is executed by the Laborer, before he attests the same, to explain fully to the Laborer the minimum rate of wages to which he is entitled, and what is the rate fixed in his contract, and under what circumstances alone the Laborer's title to wages can be forfeited or suspended as hereinafter mentioned, and what is the period of time for which he is bound to serve.

On transfer of an estate, the contract shall be valid against, and enure to the benefit of, the new owner.

V. If, during the currency of any contract as aforesaid, the estate on which the Laborer shall have engaged to work shall be sold or transferred by the party contracting with such Laborer, to some other person, or if some other person shall become proprietor by reason of the death of such party, the contract shall by such event become null and void as regards the party originally contracting, and shall be valid to all intents in law as between the new proprietor and the Laborer, and shall enure in the same manner as if such new proprietor had been named in the

contract as the party contracting; and so in the case of any subsequent transmission of interest by sale, transfer, or death.

Contract may be transferred by mutual consent.

VI. Every such contract as aforesaid may, by mutual agreement of the parties thereto, be transferred by the Protector of Laborers to any other Laborer or Employer; but in such case the Protector shall endorse such transfer on the contract, and shall also register it in his own Office.

Hospital, Medicine and Medical Officer.

VII. On every estate on which any Laborers shall be employed, there shall be provided sufficient Hospital accommodation for one in every ten of the Laborers so employed thereon, as well as medicines of such quality and descriptions, and according to such scale, as shall from time to time be fixed by the Lieutenant-Governor of Bengal: and if on any estate there shall be employed three hundred or more laborers, it shall be the duty of the proprietor of such estate to place in medical charge thereof at least one Medical Officer holding a medical diploma from some Indian or European Collegiate Institution authorized to grant diplomas, or at least one Officer for the time being licensed by the local Government to act in such medical charge.

Penalty for breach of last Section.

VIII. If, on any estate in which Laborers are employed, it shall at any time be found that there is not such Hospital accommodation as aforesaid, or that there is not provided for the use of such Laborers medicine of such quality and descriptions and according to such scale as aforesaid, the chief person in charge of such estate shall be liable to a fine not exceeding five hundred Rupees. And if there shall be three hundred or more Laborers employed on such estate, and it shall be found that there is no such Medical Officer as aforesaid, such chief person as aforesaid shall be liable to a fine not exceeding five hundred Rupees. The continued omission to observe the provisions of the last preceding Section shall be finable under this Section as a distinct offence, and so on until the omission is duly supplied.

Appointment and powers of Protectors.

IX. It shall be lawful for the Lieutenant-Governor of Bengal to appoint, in any District in which the said Act III of 1863, or this Act, has been or may be in force, so many Protectors of Laborers as he may think proper, and to define, by Notification in the Calcutta Gazette, the local limits within which each such Protector shall exercise the powers and authorities conferred, and perform the duties imposed on him by this Act. Such Protector may be vested with all or any of the powers of a Magistrate.

Appointment and powers of Inspectors.

X. It shall be lawful for the Lieutenant-Governor of Bengal to appoint, under any such Protector as aforesaid, so many Inspector of Laborers as may be considered necessary to assist the Protector in the performance of his duties, and to assign to such Protector and Inspectors such establishment as may be thought fit; and such Inspectors shall perform all the duties and exercise all the powers, other than Magisterial powers, of such Protector, which they shall be authorized in writing by such Protector to perform or exercise.

Return of Laborers to be sent in half-yearly by Employer, &c., to Protector.

XI. Every Employer of Laborers, or the chief person in charge under him of the estate on which such Laborers are employed, shall, on or before the fourteenth day of January and the fourteenth day of July in each and every year, make out in writing, and deliver to the Protector of Laborers within the local limits of whose authority such estate may be situate, a Return of the number of such Laborers as aforesaid who shall have been employed on the estate on the last day of the preceding month, and such Return shall be in such form as may form time to time be prescribed by the Lieutenant-Governor of Bengal by an order to be published in the Calcutta Gazette.

Penalty for refusing or omitting to send in Return, or sending in incorrect Return.

XII. If any such Employer or other person as aforesaid shall refuse, or wilfully omit, duly to send in any such Return as aforesaid, or shall knowingly send in an incorrect Return, such Employer or other person shall, on conviction thereof before the Magistrate of the District, be liable to a fine not exceeding five hundred Rupees; and a Certificate under the hand of the Protector to whom such Return ought to have been sent, stating that such Return has not been sent or is incorrect as aforesaid, shall be received as sufficient *primâ facie* evidence of the truth of the facts stated in such Certificate.

Yearly rate to be fixed for each estate.

XIII. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, by order published aforesaid, to fix a yearly sum, not exceeding one Rupee per Laborer, as a rate for the purpose of providing for the salaries and emoluments of the Protectors and Inspectors, and the sum or rate so fixed shall be payable half-yearly in respect of each estate for each Laborer employed therein according to the last Return.

Employer, &c., to send in the rate due according to return.

XIV. Every such Employer or chief person as aforesaid shall, within two months from the said fourteenth day of January and fourteenth day of July aforesaid respectively, send in to the Collector of the District such sum of money as shall appear, according to the last Return as aforesaid, to be payable under the last preceding Section on account of the Laborers mentioned therein.

Employer, &c., failing to send in the rate bi due time, how to no dealt with.

XV. If any such Employer or chief person as aforesaid shall fail to comply with the provisions of the last preceding Section, it shall be the duty of the Collector to notify such default to him ; and if, within one month from the receipt of such notification, or such other period as may, under special circumstances, appear to the Collector reasonable, such Employer or chief person as aforesaid shall not so comply, the Collector shall levy the sum payable by distress and sale of any moveable property (other than that of a Laborer) which may be found on the estate, or (if there shall be no such moveable or insufficient moveable property found) by sale of a sufficient portion of the estate itself. Such sale shall be conducted according to the provisions of the law for the time being in force for the realization of arrears of Government revenue.

Books to be kept, and periodical visits and Reports made, by Protector.

XVI. Every Protector of Laborers shall, once within such period as may be fixed for such purpose by the Lieutenant-Governor of Bengal, visit each estate, within the limits of his authority, on which there shall be employed any Laborers, and inspect every Hospital, tent, camp, or building in any way used by any such Laborer, and investigate the condition of all the Laborers employed on such estate ; and for such purpose he may require that all the Laborers employed on such estate shall be mustered before him with their several contracts, and may make such enquiries as may to him seem proper. Every such Protector shall keep books in which, from time to time, shall be entered the number of Laborers then under contract to each Employer, the number who shall then be sick or missing, or who shall have complained of ill-treatment, the particulars of such complaints , and such other particulars regarding the Laborers as the Lieutenant-Governor of Bengal shall from time to time direct. Each Protector shall periodically make a written Report to the Lieutenant-Governor of Bengal, through the Commissioner of the division, of the aforesaid particulars ; and any such Report, as regards any particular estate, shall be open to the inspection of the proprietor or chief person in charge of such estate, or any person by him appointed in writing in that behalf, and the person so inspecting shall be entitled to take a copy of the Report so far as it relates to such estate.

Magistrate, Protector, &c., may inspect any estate at any time.

XVII. It shall be lawful for the Magistrate of the District, the Protector of Laborers, or his duly authorized Inspectors, or any other Officer duly authorized by the Lieutenant-Governor of Bengal, at any time, to enter and inspect any estate, or any Hospital, camp, tent, or building wholly or partially used by or for Laborers, and to require that any Laborer shall be brought before him, and to make any enquiries which he may think proper touching the condition or treatment of such Laborer, or of any other Laborer employed on such estate.

Penalty on person obstructing inspection, &c.

XVIII. If any Employer, or other person acting for or under such Employer, shall in any way obstruct or impede any entry, inspection, or enquiry made under either of the two preceding Sections, such Employer or other person as aforesaid shall be liable to a fine not exceeding five hundred Rupees for each such offence.

Protector may suspend contract of any Laborer temporarily unfitted for labor.

XIX. It shall be lawful for the Protector of Laborers, within the local limits of whose authority any Laborer may be employed, to suspend, for such period as he shall consider advisable, the contract, or any particular term thereof, if such Laborer shall be in the judgment of such Protector, temporarily unfitted for such performance by reason of sickness, pregnancy, or other sufficient cause. Provided that every such suspension shall be endorsed by the protector on the contract. Provided, also, that every such Laborer shall, during such incapacity, receive, in lieu of full wages, such a portion thereof as shall be considered sufficient by the Protector, and that the time during which the suspension continues shall be reckoned as part of the whole term for which the Laborer is bound to serve.

Penalty for unlawfully compelling any Laborer to work.

XX. If on any estate it shall be found that any Laborer whose contract has been suspended as aforesaid, has been compelled to perform any species of labor for which he was at the time unfit, or if any Laborer shall have been compelled to perform work which, under the provisions of Section IV of this Act, he was not bound to perform, the chief person in charge of such estate shall be liable to a fine not exceeding two hundred and fifty Rupees

Protector to give Certificate to Laborer permanently unfitted for labor.

XXI. If, in the opinion of the Protector of Laborers, any Laborer shall be permanently unfitted for the performance of his contract or any material part thereof, the Protector shall certify to that effect in writing, and deliver such Certificate to the Employer of such Laborer or some one on his behalf, and from the date of such Certificate the contract of such Laborer, except as regards any liability previously incurred thereunder, shall wholly cease and determine. The Protector shall make a Return of all such cases of determination of contract in his Report under Section XVI of this Act. Every Laborer, whose contract shall have been determined as aforesaid, shall be entitled to be re-conveyed, at the expense of his Employer, to the District in which he was recruited, or, if he prefer it, to receive from his Employer three months' wages at the minimum rate fixed in Section IV of this

Act, and such sum shall be recoverable before a Magistrate in the manner hereinafter provided.

Laborer who has completed his contract, to be permitted to have such completion registered.

XXII. Every Laborer who shall have completed the term of his contract, shall be forthwith permitted by his Employer, or by the chief person in charge of the estate on which he has been employed under such contract, to appear before the Protector, to have the completion of his contract registered. If such Employer or chief person shall detain such Laborer after the completion of his contract, or shall fail to give notice of such completion to the Protector, within one month after the date of such completion, such Employer or chief person shall be liable to a fine not exceeding two hundred and fifty Rupees.

Release from contract how to be purchased.

XXIII. If any Laborer shall be able and desirous to pay to his Employer the sum of one hundred and twenty Rupees, or, if the term of his engagement has less than two years to run, a sum equivalent to the minimum rate of wages of such Laborer for the unexpired term of his engagement, such Laborer may demand to be taken or allowed to go before the Protector within the local limits of whose authority his Employer's estate is situate, and, on his depositing such sum in the hands of such Protector, such Protector shall call for the contract of such Laborer and endorse thereon a Certificate of Release by purchase, and shall hold the sum in deposit on account of the Employer of such Laborer. If any Employer, or other person authorized to act for the Employer, shall neglect to comply with such demand, such Employer, or other person as aforesaid, shall be liable to a fine not exceeding two hundred and fifty Rupees.

A Certificate to be given to Laborer whose contract has determined or been completed, or who has purchased release therefrom.

XXIV. Every Laborer whose contract shall have been completed or determined or released by purchase as aforesaid, shall be entitled to receive forthwith from the Protector a Certificate of Release in such form as may from time to time be prescribed by the Lieutenant-Governor of Bengal by an order to be published in the Calcutta Gazette.

Laborer who has completed his contract or been released therefrom, may enter into a fresh contract.

XXV. Every Laborer, the completion of whose contract or whose release therefrom shall have been registered, shall be entitled to enter into a fresh contract before the District Magistrate, in the manner prescribed in Section XIX of the said Act III of 1863 for contracts entered into before the Superintendent of Labor Transport; and in case of his entering into such fresh contract, all the provisions of this Act and of the said Act III of 1863 shall apply thereto.

If Laborer desire to complain, Employer to give notice to Protector.

XXVI. If any Laborer shall state to his Employer, or to any person acting for such Employer, that he desires to make a complaint to the Protector of Laborers of personal ill-usage or breach of any provision of this Act on the part of such Employer or other person, the person to whom such statement shall have been made shall, within forty-eight hours, send notice thereof in writing to the Protector, and in default of so doing such person shall be liable to a fine not exceeding five hundred Rupees.

Protector how to proceed on receipt of notice of complaint.

XXVII. Whenever any Protector of Laborers shall receive such notice in writing as aforesaid, or whenever any complaint of personal ill-usage or breach of any provision of this Act as aforesaid shall be made to him by any Laborer against his Employer, or any person acting for such Employer, or whenever the Protector shall have other reasonable grounds for believing that any such personal ill-usage or breach of any provision of this Act as aforesaid has been suffered by a Laborer, such Protector shall forthwith, if the estate on which such offence has been committed is not situate within the limits of his own authority, give notice thereof in writing to the Protector within the limits of whose authority such estate is situated: and if such estate be situated within the limits of his own authority, then such Protector shall forthwith make full enquiry into the matter complained of.

Protector may summon the complainant and his witness. Penalty for obstructing service of, or obedience to, summons.

XXVIII. For the purposes of such enquiry, it shall be lawful for any Protector, if he think fit, to summon such Laborer as aforesaid, as well as any witnesses whose attendance may be necessary; and if any Employer, or other person authorized to act for the employer, shall in any way obstruct the service of, or obedience to, such summons, such Employer or other person as aforesaid shall be liable to a fine not exceeding two hundred and fifty Rupees.

Protector how to proceed if the complaint be untrue or frivolous.

XXIX. If, upon such enquiry made on the complaint of a Laborer, the Protector shall be of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his opinion respecting it, and shall dismiss the complaint, and in such case shall endorse on the contract of such complainant the number of days spent in such inquiry, and such number of days shall be added to the period for which such complainant had contracted to serve.

Protector how to proceed if the complaint be well-founded.

XXX. If, upon such enquiry as aforesaid, the Protector shall be of opinion that the complaint is well-founded, but not within his own cognizance under the powers conferred upon him under Section IX of this Act, he shall without delay

send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon deal with the case in due course of law.

Compensation to be given if wages for more than two months are due.

XXXI. If, upon the complaint of any Laborer, it shall be proved to the satisfaction of the Magistrate that the wages of such Laborer have not been paid to him for a period of more than two months after they have become due, it shall be lawful for such Magistrate to award to such Laborer the amount which shall appear to be then due to him ; and also, by way of compensation, such further sum, not exceeding that amount, as shall appear to the Magistrate to be just; and, in case of default, the Collector shall, upon the requisition of the Magistrate, levy the entire sum in the manner prescribed in Section XV of this Act.

Contract to be cancelled if Employer be convicted by the Court of Session, or be twice convicted by a Magistrate, of an offence against the laborer, or if wages be not paid for more than six months, or if Laborer have been grossly ill-used.

XXXII. If the Employer of any Laborer, or any person placed in authority over such Laborer by such Employer, shall be convicted of any offence against such Laborer, triable under the Criminal Procedure Code, by the Court of Session ; or if any such Employer, or other person as aforesaid, shall be twice convicted of any offence against such Laborer, triable under the said Code, by a Magistrate ; or if it shall be proved before a Magistrate that the wages of such Laborer have not been paid for a period of more than six months after they shall have become due ; or if the Magistrate of the District shall, on the report of the Protector, and after due enquiry, be satisfied that any Laborer has been compelled to perform any labor while he was unfit for it, or has been subjected to gross ill-usage by such Employer or any other person placed in authority over the Laborer by such Employer, it shall be lawful for the Protector, on the application of the Laborer, in each of such cases, to cancel the contract of such Laborer, and to award to him such compensation for such cancelment, not exceeding thirty Rupees, as he shall think fit, and every such cancelment shall be certified on the back of such contract, and such Laborer shall then be at liberty either to enter into a fresh contract with any other Employer, or to return to the District from which he was recruited.

Penalty on Laborer for absenting himself without sufficient cause.

XXXIII. Any Laborer who shall absent himself from his labor without sufficient cause may be taken before the nearest Magistrate, and shall, on conviction, be sentenced to lose all claim to wages or allowances during the period of such absence, and also to forfeit to his Employer a sum not exceeding four annas for each day during which such absence shall have continued ; and in case such absence shall have exceeded seven days, or in case such Laborer shall have been already convicted of the same offence within a period of three months, such Laborer shall be furthermore sentenced to rigorous imprisonment for fourteen days.

Penalty for wilful negligence or indolence.

XXXIV. Any Laborer who, without absenting himself from his labor, shall be wilfully negligent or indolent in the performance thereof, may be convicted as aforesaid, and shall, on such conviction, be sentenced to lose all claim to wages or allowances for the period of such wilful negligence or indolence ; and upon a second conviction within six months for a similar offence, shall be sentenced to rigorous imprisonment for fourteen days.

Laborer deserting may be apprehended without a warrant.

XXXV. If any Laborer shall desert or attempt to desert from his Employer's service, such Employer or any other person acting in his behalf may, without first procuring a warrant and without the assistance of any Police Officer (who, nevertheless, shall be bound to give such assistance if called upon to do so) apprehend such Laborer whenever he may be found.

Proviso.

Provided, nevertheless, that if the said Laborer be found in the service of another Employer, or beyond the limits of the District in which his Employer's estate is situated or in which he deserted, he shall not be arrested without a warrant.

Further proviso.

Provided, also, that if the Employer or other person as aforesaid shall use unnecessary violence in effecting such apprehension, or if he shall not, within forty-eight hours from the time of such apprehension, make over the said Laborer to the hands of some Police Officer, with a statement in writing of the apprehender's name and residence, and of the charge on which the Laborer has been apprehended, or shall not otherwise within such period cause him to be conveyed to the nearest Magistrate, the person so apprehending shall be liable to a fine not exceeding five hundred Rupees.

Laborer, when made over to the Police, to be taken before the nearest Magistrate.

XXXVI. If any Laborer apprehended, whether with or without a warrant, shall be made over to a Police Officer, it shall be the duty of such Officer to convey him without delay to the nearest Magistrate, and if the estate or place from which such Laborer is charged with having deserted be within the jurisdiction of such Magistrate, he shall adjudicate the charge himself ; but if not, he shall forward the said Laborer, under custody, to the Magistrate within whose jurisdiction such estate or place is situated, who shall adjudicate upon it.

Penalties for desertion and wrongful apprehension.

XXXVII. If it be proved to the satisfaction of the Magistrate that such Laborer has deserted from his Employer's service, he shall be convicted and sentenced to rigorous imprisonment for a period not exceeding three months. If

it be proved that the Laborer has been apprehended wrongfully, the person apprehending him, or on whose charge or by whose order he shall have been apprehended, shall be sentenced to pay a fine not exceeding five hundred Rupees, any portion of which may be awarded to such Laborer.

Provisions regarding desertion and unlawful absence to apply to desertion in transit.

XXXVIII. All the provisions of this Act, regarding the desertion or unlawfully absence of Laborers, shall be held applicable to Laborers who shall desert while in transit to the District in which they have contracted to labor for hire; and such Laborers may be tried either in the District in which they may be apprehended, or in the District in which under their contracts they are bound to labor for hire, notwithstanding that the offence may have been committed in a third District.

Penalty for enticing away, harbouring, or employing Laborers under contract to another person.

XXXIX. Any person who shall knowingly and wilfully entice away, harbour, or employ any Laborer, who shall have entered into such contract as aforesaid with another person, before such Laborer shall have been lawfully released from such contract, shall be liable to a penalty not exceeding five hundred Rupees.

Portion of sentence may be cancelled if Employer apply for return of Laborer.

XL. It shall be lawful for the Employer, or any person authorised to act for the Employer, of any Laborer imprisoned for any offence under this Act, to apply to the Magistrate, at any time previous to the expiry of such sentence, that such Laborer be made over to him for the purpose of completing his contract, and the Magistrate shall, in such case, make over such laborer, and shall cancel the remainder of the sentence passed on him, and shall endorse such cancelment, under his own signature, on the contract of such Laborer.

Conviction not to operate as a release, but on expiry of sentence Laborer to be made over to Employer.

XLI. On the expiry of any sentence of imprisonment for any offence under this act, it shall be the duty of the Magistrate to make over such Laborer to any person appointed on the part of his Employer to receive charge of him; and no conviction under this Act, or imprisonment under such conviction, shall be held to operate as a release to any Laborer from the terms of his contract. Provided, nevertheless, that the period of imprisonment shall in no case be prolonged by reason of no person being present on the part of the Employer to take charge of the Laborer at the expiry of his sentence, but the prisoner shall, in that case, be sent to the Employer's estate, and the expense of such conveyance shall be levied from the Employer in the manner provided for the realisation of fines under this Act.

Sentences to be endorsed on contract. Periods of imprisonment and unlawful absence to be added to term of service.

XLII. Every sentence of fine imposed for unlawful absence from labor, and every sentence of imprisonment for any offence under this Act, shall be endorsed on the contract, at the time of its being passed, by the Officer passing it, and no such period of imprisonment or unlawful absence, so endorsed, shall be reckoned as part of the term for which the Laborer is bound to serve: but such term shall extend to such further period as shall be equivalent to the aggregate amount of the imprisonments and unlawful absences so endorsed.

Imprisonment in default of payment of fine.

XLIII. In every case in which a fine is imposed under this Act, or under the said Act III of 1863, it shall be competent to the Court imposing such fine to direct by the sentence that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, and such term of imprisonment shall be regulated in accordance with the provisions of Sections 67, 68, and 69 of the Indian Penal Code.

If the Protector believe any estate or part thereof to be unfit for habitation, a Committee shall be summoned.

XLIV. If a Protector of Laborers shall at any time have reason to believe that any estate or portion of an estate, situated within the limits of his jurisdiction, is by reason of climate or situation unfit for human habitation, such Protector shall give notice in writing of his opinion to the Magistrate of the District, and such Magistrate shall forthwith summon a Committee to enquire into the fitness of such estate or portion thereof for human habitation. Such Committee shall consist of the Magistrate, the Protector of Laborers, the Medical Officer of the District, and at least one Employer of Laborers resident in the District. Such Committee shall proceed, with as little delay as possible, to enquire into the healthiness of the estate or portion thereof to which the Protector's Report has reference, and shall hear such evidence on the subject as the owner of such estate or portion of the estate as aforesaid or the Employer or Portector may desire to place before it; and, if such Committee shall be of opinion that such estate or portion thereof is unfit for human habitation, it shall record a finding to that effect; and the contract of every Laborer who shall have contracted to serve on such estate shall thereupon be null and void as regards such estate or such portion thereof. Provided, however, that every such contract shall continue valid with regard to any other portion of such estate, or to any other estate of the same Employer.

Construction of Act.

XLV. This Act shall be read with and taken as part of the said Act III of 1863.

ACT No. VII of 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 11th April 1865, and of the Governor-General on the 15th April 1865.)

An Act to make provision for the better regulation and supervision of Public Slaughter-Houses in the Suburbs of Calcutta, and for the adoption of proper Conservancy arrangements connected therewith.

1. No place within the Suburbs to be used as a Slaughter-House without a license.

2. Municipal Commissioners may provide places for Slaughter-Houses, and may make Bye-laws for the management and regulation thereof.

3. Licensed Slaughter-Houses to be properly drained.

4. Commissioners may make bye-laws for the inspection of Markets and Slaughter-Houses.

5. Commissioners may enter and inspect Slaughter-Houses, shops, &c., and may seize unwholesome articles exposed for sale.

6. Suspension or revocation of license.

7. Penalty for using Slaughter-Houses during suspension or revocation of license.

8. Certain provisions of Act III of 1864 rendered applicable.

9. The provisions of this Act may be extended to places under Act III of 1864.

Preamble.

WHEREAS it is necessary to make provision for the better regulation and supervision of Public Slaughter-Houses and Markets for the sale of meat and fish in the Suburbs of Calcutta and for the adoption of proper Conservancy arrangements connected therewith; It is enacted as follows:—

No place within the Suburbs to be used as a Slaughter-House without a license.

I. No place within the jurisdiction of the Municipal Commissioners of the Suburbs of the Town of Calcutta appointed under the provisions of Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, *(The District Municipal Improvement Act)* shall be used as a Slaughter-House, unless a license in writing for the use thereof as a Slaughter-House has been obtained from the Municipal Commissioners, who are hereby empowered, at their discretion, from time to time, to grant such licenses; and whoever, without such license, uses as a Slaughter-House any place within the limits aforesaid, shall be liable to a penalty not exceeding two hundred Rupees, and to a penalty not exceeding fifty Rupees, for every day, after the conviction for such offence, during which the said offence is continued. Provided that nothing in this Act shall apply to any Hindoo or Mahomedan place of worship.

Municipal Commissioners may provide places for Slaughter-Houses, and may make Bye-laws for the management and regulation thereof.

II. The Municipal Commissioners may, from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places for the purpose of being used as Slaughter-House, and they may make Bye-laws for, and with respect to, the management, regulation, and charges for the use of such places.

Licensed Slaughter-Houses to be properly drained.

III. Every owner or occupier of any licensed Slaughter-House, within the limits aforesaid, shall cause such drains to be made therein as shall be considered sufficient by the Municipal Commissioners, and (if required so to do by the Municipal Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such Slaughter-Houses, or any place used as a meat Market, in a clean and wholesome state; and if such owner or occupier, after notice in writing given to him by the Municipal Commissioners that such Market or Slaughter-House is defective in any of the said particulars and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty not exceeding fifty Rupees, for every day during which such default is continued.

Commissioners may make Bye laws for the inspection of Markets and Slaughter-Houses.

IV. The Municipal Commissioners may, in the manner prescribed and under the conditions laid down in Section LXXXIV of the said Act III of 1864, make Bye-laws for the inspection of all Markets for the sale of meat or fish within the limits aforesaid, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

Commissioners may enter and inspect Slaughter-Houses, shops, &c., and may seize unwholesome articles exposed for sale.

V. The Municipal Commissioners, or any person appointed by them for that purpose, may, at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, or fish, or as a Slaughter-House, and may examine any animal, carcase, or meat, which may be therein; and in case any animal, carcase, meat, or fish, appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Magistrate, upon the evidence of a competent person, that such animal, carcase, meat, or fish, is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred Rupees.

Suspension or revocation of license.

VI. The Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act relating to Slaughter-Houses, or of the non-observance of any of the Bye-laws relating thereto, may, in addition to the penalty imposed on such person under the authority of this Act, suspend such license for any period not exceeding two months, and upon conviction for a second or other subsequent like offence, such license may, in addition to the penalty imposed under the authority of this Act, be revoked.

Penalty for using Slaughter-Houses during suspension or revocation of license.

VII. Whoever, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the Slaughter-House to which such license relates, shall be liable to a penalty not exceeding one hundred Rupees, for every day, after the conviction for such offence, during which the said offence is continued.

Certain provisions of Act III of 1864 rendered applicable.

VIII. The provisions of the said Act III of 1864, in regard to prosecutions for offences and the enforcement of fines and forfeitures, shall be applicable to all prosecutions for offences and the recovery of fines and forfeitures under this Act; and the Magisterial powers conferred upon the Municipal Commissioners by Section VI of the above Act shall be exercised by them for all the purposes of this Act.

The provisions of this Act may be extended to places under Act III of 1864

IX. It shall be lawful for the Lieutenant-Governor of Bengal to extend, by Notification in the Calcutta Gazette, the provisions of this Act, or of any specific portion thereof, to any Towns or places in which the said Act III of 1864 may be in force.

ACT No. VIII OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 10th May 1865, *and of the Governor-General on the 27th idem.)*

An Act to amend the law for the sale of such Under-tenures as by the Title Deeds or established usage of the country are transferable by sale or otherwise for the recovery of arrears of rent due in respect thereof.

1. *Meaning of the word "Collector."*
2. *Laws repealed.*
3. *Sale by whom to be conducted.*
4. *Notice of sale where to be hung up.*
5. *Notice of sale what to contain.*
6. *How the sale may be stopped.*
7. *Sale to be to the highest bidder.*
8. *Purchaser to deposit 25 per cent.*
9. *Deposit to be forfeited if balance of purchase money be not paid up in time.*
10. *Provisions as to sales to apply to all re-sales.*
11. *Certificate and possession to be given to purchaser on payment by him in full.*
12. *Proceeds of sale how to be dealt with.*
13. *Appeal.*
14. *Power of Revision.*

15. *Purchaser to recover purchase money in such manner as appellate or revising authority may direct, if sale be set aside.*
16. *Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.*
17. *Zemindar how to proceed if purchaser do not register.*
18. *Indemnity.*

Preamble.

WHEREAS doubts have arisen, in consequence of the repeal of Section XVI of Regulation VII of 1832, as to the authority by whom Putnee Talooks and other saleable Under-tenures of the nature defined in Clause 1 of Section VIII of Regulation VIII of 1819 are to be sold for arrears of rent due to the proprietor on account thereof; and whereas it is expedient to amend the law for the sale of Under-tenures in satisfaction of decrees for the recovery of such arrears; It is enacted as follows:—

Meaning of the word "Collector."

I. The word "Collector" as used in this Act includes all Officers exercising the full powers of a Collector of a District.

Words used in the singular number include the plural.

Laws repealed.

II. Section XVI of Regulation VIII of 1819 of the Bengal Code, Act VIII of 1835, and Section X of Act VI of 1853, are repealed, except in so far as any other Regulation or law is repealed thereby.

Sale by whom to be conducted.

III. The sale for the recovery of arrears of rent of Putnee Talooks and other saleable Under-tenures of the nature defined in Clause 1 of Section VIII of Regulation VIII of 1819, shall be conducted by the Collector of Land Revenue in whose jurisdiction, as defined by Act VI of 1853, the lands lie, and all acts preparatory to, or connected with, the sale of such Under-tenures as aforesaid, which, by Regulations VIII of 1819 and 1 of 1820, the Judge is required to perform, shall be performed by the said Collector.

Notice of sale where to be hung up.

IV. Whenever a decree for an arrear of rent, due in respect of an Under-tenure saleable under the provisions of Section CV of Act X of 1859, shall have been obtained, and an application for the sale of the said Under-tenure under the same Section shall have been made and allowed, the Collector, in whose Court the decree is in course of execution, shall thereupon cause to be hung up in his own Court and in that of the Collector and the Judge of the District within which the land comprised in the Under-tenure to be sold is situated, and to be affixed on some conspicuous place on the land and in the town or village in or nearest to which the said land is situated, a notice for the sale of the said Under-tenure on some fixed date not less than twenty days from the hanging up of the said notice in the Court in which the decree is in course of execution.

Notice of sale what to contain.

V. The said notice shall specify, in the words used in the plaint in the suit in which the decree was made, the name of the village, estate and pergunnah or other local division, in which the land comprised in the said Under-tenure is situated, the yearly rent payable under the said Under-tenure, and the gross amount recoverable under the said decree.

How the sale may be stopped.

VI. If the sum due under the decree, together with interest to date of payment and all costs of process, be paid into Court at any time before the sale commences, whether by the defaulting holder of the Under-tenure or any one on his behalf, or any one interested in the protection of the Under-tenure, such sale shall not take place; and the provisions of Section XIII of Regulation VIII of 1819, for the recovery of sums paid by other than the defaulting holder of the Under-tenure to stay the sale of the Under-tenure, shall be applicable to all similar payments made under this Section.

Sale to be to the highest bidder.

VII. The Under-tenure shall be sold to the highest bidder in open Court.

Purchaser to deposit 25 per cent.

VIII. The party who shall be declared to be the purchaser shall be required to deposit immediately, in Cash or Government Currency Notes, twenty-five per cent. of the amount of his bid; and, in default of such deposit, the Under-tenure shall be put up again and sold forthwith, or on the next ensuing Office day.

Deposit to be forfeited if balance of purchase money be not paid up in time.

IX. The full amount of the purchase money shall be made good by the purchaser before sunset of the eighth day from that on which the sale of the Under-tenure took place, reckoning that day as one of the eight; or, if the eighth day be a Sunday or other close holiday, then on the first Office day after the eighth day: and, in default of payment within the prescribed period as aforesaid, the deposit shall be forfeited to the Government, and the Under-tenure shall be resold, and the defaulting purchaser shall forfeit all claims thereto or to any part of the sum for which the said Under-tenure may be subsequently sold. If the proceeds of the sale which may be eventually completed be less than the price bid by the defaulting purchaser, the difference shall be leviable from him under the law for enforcing the payment of money in satisfaction of a decree for arrears of rent.

X. The provisions of all the Sections of this Act with regard to sales, shall also be applicable to all resales, under this Act, which may be rendered necessary by the default of any purchaser.

Provisions as to sales to apply to all resales.

XI. When the purchase money shall have been paid in full, the Officer holding the sale shall give the purchaser a Certificate in the form prescribed in the Schedule annexed to this Act; and shall further, on the purchaser making application and depositing the requisite costs, depute an Officer or Ameen to put him in possession of the Under-tenure in the customary manner, and to publish the fact of the purchase to the cultivators of the lands comprised therein.

Certificate and possession to be given to purchaser on payment by him in full.

XII. From the proceeds of the sale of the Under-tenure, the Officer holding such sale shall repay to the judgment-creditor the necessary expenses incurred by him in procuring it; and after satisfying the decree in execution of which the sale was made, shall hold the residue, if any, in deposit on account of the defaulting holder of the Under-tenure.

Proceeds of sale how to be dealt with.

XIII. An appeal shall lie to the Collector from any proceedings of a Deputy or Assistant Collector, if made within fifteen days; and to the Commissioner from any original proceedings of a Collector, under this Act, if made within thirty days from the date of the sale: but no proceedings under this Act shall be reversed or modified in appeal, except upon the ground of irrelevancy of the law, or of such an irregularity in procedure as, in the opinion of the appellate authority, has caused injury to the interests of one of the parties to the suit in which the decree was passed.

Appeal.

XIV. No appeal as of right shall lie from any order passed in appeal under this Act; but a Commissioner, in any case in which an appeal has been heard by a Collector, and the Board of Revenue, in any case in which an appeal has been heard by the Commissioner, may call for the record at any time within three months from the date of the order passed in appeal, and pass thereon such orders as they may think proper.

Power of Revision.

XV. If any sale of an Under-tenure shall, under either of the two preceding Sections, be set aside, the purchaser shall be entitled to receive back the purchase money with or without interest, and in such manner as the appellate or revising authority may in each instance direct. Any order for the recovery of the purchase money or interest, passed by such appellate or revising authority as aforesaid, may be enforced by the process in force under decrees for the recovery of arrears of rent.

Purchaser to recover purchase mony in such manner as appellate or revising authority may direct, if sale be set aside.

XVI. The purchaser of an Under-tenure sold under this Act shall acquire it free of all incumbrances which may have accrued thereon by any act of any holder of the said Under-tenure, his representatives, or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagement under which the Under-tenure was created, or by the subsequent written authority of the person who created it, his representatives, or assignees. Provided that nothing herein contained shall be held to entitle the purchaser to eject Khoodkasht ryots or resident and hereditary cultivators, nor to cancel *bonâ-fide* engagements made with such class of ryots or cultivators aforesaid by the late incumbent of the Under-tenure or his representatives, except it be proved, in a regular suit to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor. Nothing in this Section shall be held to apply to the purchase of a tenure by the previous holder thereof, through whose default the tenure was brought to sale.

Purchaser to acquire the Under-tenure, with certain exceptions, free of incumbrances.

XVII. The purchaser of an Under-tenure sold under this Act shall apply to the Zemindar or other landholder, within fifteen days from the day of sale, to have his name registered in the Zemindar or other landholder's books as the purchaser, and shall execute a kubooleut on the same terms and conditions on which the Under-tenure was held by the defaulter; and, if such application be not made within fifteen days, it shall be lawful for the Zemindar or other landholder to sue the said purchaser under the provisions of Clause 1 of Section XXIII of Act X of 1859.

Zemindar how to proceed if purchaser do not register.

XVIII. The provisions of Section III shall be applicable to all sales held under Regulation VIII of 1819 previously to the passing of this Act; and no suit shall lie in respect of such sales on the plea of want of jurisdiction of the Officer by whom they were conducted.

Indemnity.

Schedule referred to in Section XI.

I certify that *A. B.* has purchased, under Act VIII of 1865, the Under-tenure *(as specified in the notice of sale)*, and that his purchase took effect on the day of

(being the day after that fixed for the last day of Payment.)

(Signed) *C. D. Collector.*

ACT No. IX OF 1865.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor and of the Governor-General on the 16th December 1865.)

An Act to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council (An Act to vest the property of the Town of Calcutta and the management of its Municipal affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town and for the levying of rates and taxes therein.)

1. *Chairman of the Justices not to be deemed incapable of being a Member of the Lieutenant-Governor's Council.*
2. *Act to be read with Act VI of 1863.*

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows:—

Chairman of the Justices not to be deemed incapable of being a Member of the Lieutenant-Governor's Council.

I. Nothing in the said Act shall be deemed to prevent the Chairman of the Justices of the Peace for the Town of Calcutta from being a Member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

Act to be read with Act VI of 1863.

II. This Act shall be read with and taken as part of the said Act VI of 1863

ACT No I OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 6th February 1866 and of the Governor-General on the 26th February 1866.)

An Act to amend certain provisions of Regulation VI of 1819 (for rescinding Regulation XIX. 1816, and for enacting other provisions in lieu thereof.)

1. Section VI. Regulation VI. 1819 repealed.
2. Exclusive right to public Ferries vested in Government, and the employment of private Ferries within two miles prohibited.
3. Provision for the establishment of subsidiary Ferries.
4. Claims for compensation how to be dealt with.
5. Penalty for acting in contravention of Section II.

Preamble.

WHEREAS it is expedient to define more exactly the limits within which persons are prohibited from employing a ferry-boat plying for hire in the vicinity of a public Ferry, and also to provide some penalty for the wilful disregard of such prohibition; It is enacted as follows:—

Section VI Regulation VI. 1819 repealed

I. Section VI of Regulation VI of 1819 of the Bengal Code, so far as it relates to the Provinces under the control of the Licutenant-Governor of Bengal, is hereby repealed.

Exclusive right to public Ferries vested in Government, and the employment of private Ferries within two miles prohibited.

II. Every Ferry which has been or may be declared to be a public Ferry under the provisions of the said Regulation VI of 1819, shall belong exclusively to Government, and no person shall, except with the sanction of the Magistrate of the District, keep a Ferry-boat for the purpose of plying for hire within a distance of two miles above or below the place where such public Ferry is established.

Provision for the establishment of subsidiary Ferries.

III. On the requisition of the Magistrate of the District the person in charge of such public Ferry shall maintain at one or more places, in addition to the place at which the said public Ferry is established, and within two miles therefrom, such number of subsidiary Ferries as may seem to the said Magistrate to be necessary for the public convenience, and all the provisions of the said Regulation VI of 1819, in regard to the management of public Ferries, shall be deemed applicable to any subsidiary Ferry maintained under the orders of the Magistrate as aforesaid.

Claims for compensation how to be dealt with.

IV. All claims for compensation which may be preferred by any person for any loss which may be sustained by them in consequence of any Ferry having been declared public as aforesaid, shall be enquired into by such Magistrate, who shall award compensation to any such person or persons who may appear justly entitled thereto. Such compensation shall be calculated upon an estimate of the annual net profit actually realized by such person or persons from such Ferry on an average of the five years next preceding such declaration, and shall in no case exceed the amount of fifteen times such not annual profit.

Penalty for action in contravention of Section II.

V. Any person who wilfully acts in contravention of the provisions of Section II of this Act, shall be liable to the punishment provided in Section 447 of the Indian Penal Code.

ACT No. II OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant Governor on the 1st March 1866, and of the Governor-General on the 14th idem.)

An Act to provide for the better regulation of the Police within the Suburbs of Calcutta.

1. The Suburbs may be excluded from the general Police District.
2. A Police Force to be constituted for the Suburbs.
3. The Police Force to be under the control of the Commissioner of Police for Calcutta.

4. Appointment &c., of the Force to rest with the Commissioner.
5. Commissioner may fine for lesser breaches of discipline.
6. Aditional penalties for neglect of duty, &c.,
7. Police Officers not to resign without notice.
8. On enrolment, Police Officer to receive a Certificate.
9. Penalty for dismissed members not delivering up clothing, &c.
10. Superannuation Fund. Proviso.
11. Disposal of the proceeds of certain fines, &c.
12. Appointment of Special Police Officers.
13. Powers of Special Police Officers.
14. Penalty for Special Police Officer neglecting or refusing to serve, &c.
15. Appointment of additional Police Officers on the Application of private individuals.
16. Apprehension and punishment of reputed thieves, &c.
17. Brothels.
18. Penalty for keeping a hotel, &c., without a license.
19. Excise license not to be granted without Certificate of Commissioner of Police.
20. Duration and conditions of License.
21. Penalty for keeping up a sign-board or notice after expiry of license.
22. Commissioner of Police may grant licenses for places for which no licenses are required under Act XXI of 1856.
23. Penalty for a breach of any condition of a license.
24. Fee for certificate.
25 to 31. (Repealed.)
31. Portion of fine may be paid to informer.
32. Gambling in the street.
33. Pawn-brokers and money-changers to report stolen property under a penalty for neglect.
34. Manufacture or possession of Gunpowder.
35. Licenses by Commissioner of Police for sale and deposit of Gunpowder, &c.
36. Licenses for conveying and removing Gunpowder.
37. Commissioner of Police may issue warrant to search for Gunpowder, &c
83. Act not to apply to Government Gunpowder, &c.
39. Commissioner may make rules for the conduct of assembles and processions.
40. Penalty for the following offences in public streets, &c. Driving, &c. elephant or camel. Driving a vehicle without a sufficient light. Driving vehicle otherwise than on left side of the road. Exposing for show horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner. Negligence in driving cattle. Leaving cart, &c., without control. Obstructing road or thoroughfare by carriage, &c. Obstructing footways. Beating dums, tomtoms, &c. Lighting fires and discharging guns, fireworks, &c. Driving cart with insufficiently greased wheels. Illuminations. Affixing bills or otherwise defacing houses, &c. Bathing, &c., in public street or aqueduct. Obstructing persons at bathing places. Beggars. Exposing person, &c.
41. Penalty for drunkenness in public.
42. Stray dogs.
43. Police Officer may arrest without warrant on view of offence.
44. Arrest of person committing offence with respect to person or property of another.
45. Persons taken into custody by a Police Officer without warrant, may be detained in Police Office until brought before a Magistrate or bailed.
46. Power to take recognizance at the Station House.
47. Condition of recognizance.
48. Recovery and appropriation of fines. Imprisonment in lieu of fine.
49. Powers of Joint and other Magistrates.
50. And of the Deputy Commissioner.
51. Interpretation. "Property." "Person." "Month." "Oath." "Common goming house." "Cattle." Number. Gender.
52. Act XXI of 1857 repealed, so far as regards the Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to exclude the Suburbs of the Town of Calcutta from the general Police District of Bengal, and to make provision for the better regulation of the Police within the limits so excluded; It is enacted as follows:—

The Suburbs may be excluded from the general Police District.

I. It shall be lawful for the Lieutenant-Governor of Bengal to exclude the Suburbs of the Town of Calcutta or any portion thereof, from the general Police District of the provinces subject to his control, and the limits of the tract of

country so excluded shall be defined in a Notification to be published in the Calcutta Gazette, and the operation of this Act shall be confined to such limits. Provided that it shall be lawful for the said Lieutenant-Governor from time to time to alter such limits by such Notification as aforesaid.

A Police Force to be constituted for the Suburbs.

II. For the Suburbs of the town of Calcutta so defined as aforesaid, there shall be a Police Force, which shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the Lieutenant-Governor of Bengal.

The Police Force to be under the control of the Commissioner of Police for Calcutta.

III. The Police Force of the Suburbs of the Town of Calcutta shall be under the exclusive direction and control of the Commissioner of Police for the Town of Calcutta, who may from time to time, subject to the approbation of the said Lieutenant-Governor, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution and particular service of the several members thereof, their inspection, and the description of arms, accoutrements and other necessaries to be furnished to them; and all such other orders and regulations relative to the said Police Force as the said Commissioner shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties.

Appointment, &c., of the Force to rest with the Commissioner.

IV. The appointment of the members of the Police Force shall rest with the Commissioner of Police, and he may, at any time, suspend or dismiss any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Commissioner may fine for lesser breaches of discipline.

V. For any lesser breach of discipline, or other misconduct not requiring the suspension or dismissal of the offender, a member of the Police Force may be fined by the Commissioner in any sum not exceeding one-half of his monthly pay.

Additional penalties for neglect of duty, etc.

VI. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Police Force, besides being suspended or dismissed from his employment, at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred Rupees (which may be deducted from any salary then due to such offender), or to imprisonment, simple or rigorous, for any term not exceeding three months.

Police Officers not to resign without notice.

VII. No member of the Police Force to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six months' notice of his intention if a member of the Mounted Branch of the said Force, and two months' notice if a member of any other Branch; and every member of the said Force who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, to pay a fine not exceeding fifty Rupees or to undergo imprisonment of either description for any term not exceeding two months.

On enrolment, Police Officers to receive a Certificate.

VIII. Every member of the Police Force shall receive on his enrolment a Certificate in the form hereunto annexed, under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such Certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Force.

Penalty for dismissed member not delivering up clothing, &c.

IX. Every member of the Police Force who shall be dismissed from or shall cease to hold and exercise his office, and who shall not forthwith deliver up his Certificate, and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person and at such time and place as shall be directed by the said Commissioner, shall be liable, on conviction before a Magistrate, to imprisonment of either description for any term not exceeding one month. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

Superannuation

X. There shall be deducted from the pay of every member of the Police Force, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the said Lieutenant-Governor shall direct, not exceeding one anna in the Rupee; which sum so deducted, shall, from time to time, be invested in such manner, and in such securities, as the said Lieutenant-Governor may in writing direct, and the said sum so invested, together with the interest and dividends thereof, shall form a Fund, to be called "The Police Superannuation

Fund," and shall be applied from time to time to payment of such superannuation or retiring allowances or gratuities as may be ordered by the said Lieutenant-Governor at any time to any of the aforesaid members of the Police Force. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

Proviso.

Disposal of the proceeds of certain fines, &c.

XI. The moneys accruing from stoppages from members of the Police Force during absence from sickness or other cause, and from fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon drunken persons, or for assaults upon Police Officers, and all moneys from the sale of worn or cast off clothing or other articles supplied for the use of the Police, shall be applied in aid of any fund applicable to Police purposes.

Appointment of Special Police Offices.

XII. The Commissioner of Police may, of his own authority, appoint Special Police Officers to assist on any temporary emergency.

Powers of Special Police Officers.

XIII. Every Special Police Officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

Penalty for Special Police Officer neglecting or refusing to serve, &c.

XIV. If any person, being appointed a Special Police Officer as aforesaid, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him, for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees for every such neglect, refusal, or disobedience.

Appointment of additional Police Officers on the application of private individuals.

XV. The Commissioner of Police may also, if he shall think fit, on the application of any person shewing the necessity of it, appoint any additional number of Police Officers to keep the peace at any place within the limits of the operation of this Act, at the charge of the person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit; and every such Police Officer shall receive a Certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the Police Officers belonging to the ordinary Force. Provided that the person upon whose application such appointment shall have been made, may, upon giving one month's notice in writing to the Commissioner of Police, require that the Police Officers so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional Police Officers; and all moneys received by the Commissioner for the payment of any such additional Police Officers shall be accounted for by him.

Apprehension and punishment of reputed thieves, &c.,

XVI. A Police Officer may arrest without a warrant any person found, between sun-set and sun-rise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another; any reputed thief found, between sun-set and sun-rise, on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found, between sun-set and sun-rise, having his face covered or otherwise disguised, with intent to commit any such offence as aforesaid; any person found, between sun-set and sun-rise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking; and such person shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months.

Brothels.

XVII. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, such Commissioner or Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it, and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees for every day thereafter hat the house shall be so used.

Penalty for keeping a hotel, &c., without a license.

XVIII. Whoever has or keeps any hotel, tavern, punch house, ale-house, arrack or toddy shop, or place for the sale or consumption of gunja, chundoo, or other preparation of opium, hemp, or other intoxicating drug, plant, or substance, or has or keeps any coffee-house, boarding-house, eating-house, lodging-house, or other place of public resort and entertainment, wherein provisions, liquors, or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license to be obtained in the manner hereinafter

mentioned, shall be liable to a fine not exceeding fifty Rupees for every day that the said house or place of entertainment is kept open, or the sale of provisions, liquors, or refreshments is continued, without the necessary license. Provided that nothing in this Act shall apply to the sale, in reasonable quantities, of any drug, plant, or substance in any chemist's or druggist's shop for medicinal purposes only.

Proviso.

XIX. No license shall be granted under the provisions of Act XXI of 1856 (*to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal,*) unless the person applying for such license shall produce a Certificate from the Commissioner of Police, stating that a license may be granted to him for the sale of spirituous liquors or intoxicating drugs, as of the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed and shall have remained in force, under the provisions hereinafter contained, at the date when such license shall be granted. No license so granted shall be renewable without a fresh Certificate as aforesaid, previously obtained from the Commissioner of Police, subject to the order and con-trol of the said Lieutenant-Governor.

Excise license not to be granted without Certificate of Commissioner of Police.

XX. It shall be competent to the Commissioner of Police, subject to the direction and control of the said Lieutenant- Governor, to limit, in such Certificate as aforesaid, the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid, and for the prevention of drunkeness and disorder among the persons frequenting the same, and from time to time to vary such conditions, subject to such direction and control as aforesaid ; and no license granted under the said Act XXI of 1856 shall be valid unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this Section.

Duration and conditions of licences.

XXI. Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted, to remove or cause to be removed any sign-board or other notice which such person might have been theretofore bound, under the terms of his said license, to keep affixed on or near the house or place of public resort or entertainment for which such license had been granted ; and any person who shall fail to obey any such order forthwith, shall be liable, on conviction, to a fine of ten Rupees for every day thereafter during which he shall sofail.

Penalty for keeping up a sign-board or notice after expiry of license.

XXII. The Commissioner of Police may, at his discretion, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid for which no such license as is specified in the said Act XXI of 1856 is required, upon such conditions, to be inserted in every such license, as he, with the sanction of the said Lieutenant-Governor, from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment and the prevention of drunkenness and disorder among the persons frequenting or using the same;and the said licenses may be granted by the said Commissioner for any term not exceeding one year.

Commissioner of Police may grant licenses fot places for which no licenses are required under Act XXI of 1856.

XXIII. Any person committing a breach of any of the conditions of a license granted either under Section XIX or Section XXII of this Act shall, on conviction before a Magistrate, be punishable by a fine not exceeding one hundred Rupees, and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale. Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor.

Penalty for a breach of any condition of a license.

XXIV. For every certificate or license granted by the Commissioner of Police under this Act, there shall be levied a fee of two Rupees.

Fee for certificate.

XXV. To XXX, inclusive, repealed by Section 17, Act II, of 1867, of the Bengal Council from date of extension of that Act to Suburbs of Calcutta.

XXXI. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under Sections XXV and XXVI of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under Section XXIX, to be paid to an informer.*

Portion of fine may be paid to informer.

XXXII. Repealed by Section XVII, Act II. 1867.

XXXIII. If any property answering the description set forth in any information which shall be given by any Police Officer to any pawn broker, or dealer in second-hand property or money-changer, regarding property stolen or fraudu-obtained, shall then be, or thereafter come into the possession of, or be offered in pawn, or for sale, or change, to such pawn-broker, dealer, or money-changer,

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

* The repeal of sections 25 to 30 repeals by implication this section also.

he shall, without unnecessary delay, give information to that effect at the nearest Police Office, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received; provided always that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and indentify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Manufacture or possession of Gunpowder.

XXXIV. Whoever shall manufacture Gunpowder or, without a license from the Commissioner of Police, shall have in his possession, in any house, shop, warehouse or other building, at any one time, a greater quantity of Gunpowder than ten pounds, shall be liable to a fine not exceeding five hundred Rupees, and also to forfeit such Gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of Gunpowder, &c.

XXXV. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of Gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees, and to forfeit all Gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate or of the Commissioner, to forfeit his license.

Licenses for conveying and removing Gunpowder.

XXXVI. The Commissioner of Police may grant to any person a license for the transit and carrying of Gunpowder from one place to another, in such manner and in such quantity as he may deem advisable: and any person, not being duly licensed in that behalf, who shall carry or convey a greater quantity of Gunpowder than one pound from one place to another, shall be liable to a fine not exceeding fifty Rupees.

Commissioner of Police may issue warrant to search for Gunpowder &c.

XXXVII. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day-time any house, shop, magazine, or other building or place in which he shall have reasonable ground to suspect that any Gunpowder is manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle in which any Gunpowder may be suspected to be carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all Gunpowder found on such search shall, together with the vessels or receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

Act not to apply to Government Gunpowder, &c.

XXXVIII. None of the four last preceding Sections shall extend to any Government magazine, or store, or building for the making or deposit of Gunpowder under the authority, or for the use, of the Government, or to any Gunpowder belonging to Government.

Commissioner may make rules for the conduct of assemblies and processions.

XXXIX. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the said Lieutenant-Governor, make rules for the conduct of all assemblies and processions in the public roads, streets, or thoroughfares within the limits aforesaid, prescibing the routes by which, and the times at which, such processions may pass, and for keeping order in the public roads, streets, thoroughfares, ghauts, and landing places, and all other places of public resort and preventing obstructions thereof, on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, thoroughfares, ghauts or landing places, may be thronged, or may be liable to be obstructed; and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies. Every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred Rupees.

Penalty for the following offences in public streets, &c.

XL. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police, with the sanction of the said Lieutenant Governor in any public street, road, thoroughfare, or place of public resort, shall commit any of the following offences, shall be liable to a fine not exceeding fifty Rupees:—

Driving, &c. elephant or camel.

1. Whoever shall drive, ride, or lead any elephant or camel without permission from the Commissioner of Police.

Driving a vehicle without a sufficient light.

2. Whoever shall drive any vehicle of any description, at any time between three quarters of an hour after sun-set, and one hour before sun-rise without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moonlight to render such light unnecessary.

Driving vehicle otherwise than on left side of the road.

3 Whoever without reasonable cause, shall drive a carriage, cart, or other vehicle otherwise than on the left or near side of the road.

4. Whoever shall expose for show, hire or sale, any horse or other animal, or any carriage; or shall clean or dress any horse or other animal; or shall clean any carriage or other conveyance; or shall make or repair any part of any cart or carriage, except in cases of accident where repair on the spot is necessary; or shall train or break any horse except in such place and at such times as may be allowed by the Commissioner.

Exposing for show horses or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner.

5. Whoever, by negligence or ill-usage in driving cattle, shall cause any mischief to be done by such cattle: or shall in any wise misbehave himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction.

Negligence in driving cattle.

6. Whoever being in charge of a cart, carriage, or horse, shall leave it at such a distance as not to have the same under due control.

Leaving cart, &c., without control.

7. Whoever, shall cause any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or un-loading, except at places lawfully appointed for the purpose; or shall leave any cart, carriage, or truck, or fasten any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing road or thoroughfare by carriage, etc.

8. Whoever shall lead or ride any horse or other animal or draw or drive any cart, carriage, or truck upon any foot-way, or shall fasten any horse or animal so that it can stand across or upon any foot-way.

Obstructing foot-ways.

9. Whoever shall beat a drum or tom-tom, or blow a horn or trumpet, or beat or sound any brass or other metal instrument or utensil, except at such times and places as shall be from time to time allowed by the Commissioner of Police.

Beating drums, tomtoms, etc.

10. Whoever shall set fire to or burn any straw or other matter, or light any bonfire, or wantonly discharge any fire-arm or air-gun, or let off or throw any fire-work, or send up any fire-balloon, except at such times and places as shall from time to time be allowed by the Commissioner of Police.

Lighting fires and discharging guns, fireworks, etc.

11. Whoever, by driving a hackery or cart with insufficiently greased wheels, shall create a noise which is reasonably calculated to cause annoyance to persons frequenting or residing near the thoroughfare in which such hackery or cart is driven.

Driving a cart with insufficiently greased wheels.

12. Whoever, without the consent of the Commissioner of Police, shall put up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Illuminations.

13. Whoever, without the consent of the owner or occupier, shall affix any bill or notice, or any paper, against or upon any building, wall, or fence, or shall write upon, deface, or mark any such building, wall, or fence with chalk, or paint, or in any way whatsoever.

Affixing bills or otherwise defacing houses, etc.

14. Whoever shall bathe or wash himself in any public street, or in, upon, or by the side of any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Bathing, etc., in public street or aqueduct.

15. Whoever shall obstruct or incommode a person bathing at any place set apart as a bathing place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs at or near such place, or in any other way.

Obstructing persons at bathing places.

16. Repealed by Act 1 of 1869 of the Bengal Council.

17. Whoever, in any public road, street, thoroughfare, or place, shall beg or apply for alms, or shall expose or exhibit any sores, wounds, bodily ailment, or deformity, with the object of exciting charity, or of obtaining alms; or shall seek for or obtain alms by means of any false statement or pretences.

Beggars.

18. Whoever wilfully and indecently exposes his person, or commits a nuisance by easing himself.

Exposing person, etc.

XLI. Whoever is found drunk and incapable of taking care of himself, in any street or thoroughfare, or in any place of public amusement or resort, shall be liable to a fine not exceeding ten Rupees, or to imprisonment of either description for a term not exceeding twenty-four hours.

Penalty for drunkenness in public.

XLII. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets, or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

Stray dogs.

XLIII. Any Police Officer may arrest without a warrant any person committing in his view any offence against this Act, if the name and address of such person be unknown to such Police Officer, and cannot be ascertained by him.

Police Officer may arrest without warrant on view of offence.

XLIV. Whoever commits an offence on, or with respect to, the person or property of another, or, in committing an offence under this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he

Arrest of person committing offence with respect to person or property of another

give his name and address and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Persons taken into custody by a Police Officer without warrant, may be detained in Police office until brought before a Magistrate or bailed.

XLV. Every person taken into custody without a warrant by a Police Officer under this Act, shall be taken to the nearest Police Station House, in order that such person may be detained until he can be brought before the Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before the Magistrate. Any person so detained and not entering into recognizances, with or without sureties, shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

Power to take recognizance at the Station House.

XLVI. Whenever any person shall be brought to a Station House charged, with any offence against this Act, it shall be lawful for the Officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognizance.

XLVII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at his next sitting, and all the persons executing the said recognizance shall acknowledge themselves jointly and severally bound in the sum—not exceeding one thousand Rupees—thereby acknowledged, and the time and place of appearance shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall enter in a book, to be kept for the purpose the name, residence, and occupation of the party, and his surety or sureties, (if any), entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

Recovery and appropriation of fines.

XLVIII. All fines imposed under the authority of this Act shall be recoverable in the manner prescribed by Section 61 of the Code of Criminal Procedure, and the amount so levied shall be appropriated to any fund applicable to Police purposes.

Imprisonment in lieu of fine.

Provided that it shall be lawful for the Magistrate, when it shall appear to him that the fine cannot be realized by recourse to the provisions above mentioned, to sentence the offender to imprisonment in lieu of any fine to which such offender is liable under this Act, and the term of such imprisonment shall be fixed in accordance with the scale laid down in Section 67 of the Indian Penal Code

Powers of Joint and other Magistrates.

XLIX. Any Joint Magistrate, or other Officer duly authorized to exercise the powers of a Magistrate, and any Assistant vested with the powers of a Subordinate Magistrate of the First Class, in cases referred to him by the Magistrate, may exercise all the powers vested in a Magistrate by this Act.

And of the Deputy Commissioner.

L. The Deputy Commissioner of Police for the Town of Calcutta may, under the orders of the Commissioner, exercise all or any of the powers vested in the latter by the provisions of this Act.

Interpretation.

LI. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say) :—

"Property." The word "property" shall include any chattel, money, or valuable security.

"Person." The word "person" shall include a corporation.

"Month." The word "month" shall mean calendar month.

"Oath." The word "oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Common gaming-house." The words "common gaming-house" shall be taken to mean any house, room, or place in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning or keeping such house, room, or place, whether by way of charge for the use of the instruments of gaming, or of the house, room, or place, or otherwise howsoever.

"Cattle." The word "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine.

Number. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

Act XXI of 1857 repealed, so far as regards the Suburbs of Calcutta.

LII. Act XXI of 1857 (*to make better provision for the order and good Government of the Suburbs of Calcutta and of the Station of Howrah*) is hereby repealed, so far as it applies to such portion of the Suburbs of the Town of Calcutta as shall, for the time being, be subject to the operation of this Act.

FORM OF CERTIFICATE.—(*Referred to in Section. VIII*)

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*A. B. has been appointed a (Superintendent, Inspector, Jemadar, Darogah. or Peon, *as the case may be*) in the Suburban Police Force, and is vested with the powers, functions, and privileges of a Police Officer.

ACT No. III OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 13th March 1866, and of the Governor-General on the (23rd idem.)

An Act to provide for the Attendance and Examination of Witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

1. Lieutenant-Governor may by summons, require any person to appear before his Council.
2. Administration of an oath or affirmation.
3. Powers against persons failing to appear, &c.
4. Expenses of witnesses.
5. Provisions of Sections 21, 32 of Act II of 1855, extended.
6. Interpretation. Number. Gender. "Council."

Preamble.

WHEREAS it is expedient to make provision for the attendance of witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, and for the examination of such witnesses; It is enacted as follows:—

Lieutenant-Governor may, by summon, require any person to appear before his Council.

I. It shall be lawful for the Lieutenant-Governor of Bengal, by a summons under the hand of the Secretary or Assistant Secretary to the Government of Bengal in the Legislative Department for the time being, to require the attendance before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, at a time and place to be mentioned in such summons, of any person, residing within any of the provinces or places subject to the Government of the Lieutenant-Governor of Bengal, whose evidence shall, in the judgement of such Council, be material with reference to any project of Law, Bill, or Act then under consideration by such Council; and by such summons to require the person so summoned to produce before such Council all such books, deeds, and writings as to the said Council shall appear necessary for obtaining information as to the matter so under consideration: and every person so summoned shall, according to the exigency of the summons, attend before the said Council, and produce such books, deeds, and writings, as shall be in his power, custody or control.

Administration of an oath or affirmation.

II. It shall be lawful for the said Secretary or Assistant Secretary to the Government of Bengal in the Legislative Department for the time being, or any other Officer appointed in that behalf by the Lieutenant-Governor, to administer an oath or affirmation, in such form as to the said Council shall seem fit, to any person appearing in obedience to such summons as aforesaid. But nothing herein contained shall prevent such person from giving evidence without oath or affirmation, if the said Council shall think it expedient that the evidence should be so given.

Powers against persons failing to appear, etc.

III. If any person, upon whom any such summons shall be served by the delivery thereof to him, or leaving thereof at his usual or last known place of abode, shall, without reasonable cause (to be allowed by the said Lieutenant-Governor of Bengal,) fail to appear before the said Council at the time and place mentioned in the summons, or shall refuse to make oath or affirmation as required, or shall not make answer to such questions as shall be put to him touching the matter under consideration as aforesaid, or shall refuse or fail, without reasonable cause (to be allowed by the said Lieutenant-Governor of Bengal,) to produce to the said Council any book, deed, or writing in his possession, power, or control as by the said Council he shall be required to produce (whether mentioned in the summons or not), the Lieutenant-Governor of Bengal shall, on the report of the said Council that such failure or refusal has taken place, have the power, by warrant under his hand, to direct that such person be apprehended and committed to close custody in a place and for a time specified in the warrant, unless he shall in the meantime comply, to the satisfaction of the said Council, with such requisitions as have been made on him touching his examination. The warrant may be directed to any Officer appointed in that behalf by the Lieutenant-Governor.

Expenses of witnesses.

IV. Whenever a summons is issued for the attendance of a witness under this Act, the Lieutenant-Governor of Bengal may, if he thinks fit, order such witness to receive from the Collector or Commissioner of the district or division in which the witness resides, such expenses as he would have been entitled to receive if summoned as a witness before the Principal Court of Original Jurisdiction within the limits of which he shall be residing.

Provision of Sections 21 and 32 of Act II of 1855, extended.

V. The provisions of Sections XXI and XXXII of Act II of 1855 (*for the further improvement of the Law of Evidence*) shall extend to witnesses examined before the said Council of the Lieutenant-Governor of Bengal.

Interpretation.

VI. Throughout this Act, unless the contrary appears from the context, words importing the singular shall include the plural, and words importing the plural shall include the singular numbers:

Nunber.

Gender.

Words importing the masculine gender shall include the feminine:

"Council."

The word "Council" shall include any Committee of the whole Council, and any Select Committee of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

ACT No. IV OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 13th March 1866, and of the Governor-General on the 23rd idem.)

An Act to amend and consolidate the provisions of Act XIII of 1856 (for regulating the Police of the Towns of Calcutta Madras, and Bombay) and of Act XLVIII of 1860 (to amend Act XIII of 1856.)

1. Short Title.
2. Acts XIII of 1856 and XLVIII of 1860 repealed as far as regards Calcutta.
3. Interpretation. "Town." "Magistrate." "Property." "Month." "Oath." "Common Gaming-house." "Cattle." Number. Gender.
4. Appointment and removal of Commissioner of Police.
5. Appointment of Deputies to the Commissioner of Police.
6. Commissioner of Police shall not ordinarily be a Magistrate.
7. Commissioner of Police to be a Justice of the Peace, but to act only in certain cases.
8. Constitution of Police Force.
9. The Police Force to be under the control of the Commissioner. Rules for the government of the Force to be made by the Commissioner and approved by Government.
10. Appointment &c. of the Police Force to rest with the Commissioner.
11. Power of Commissioner to fine members of the Police Force.
12. Additional penalties for members of the Police Force for neglect of duty, &c.
13. Members of Police Force to receive Certificates vesting them with the powers of a Constable.
14. Member of Police Force not to resign without leave, or six or two months notice.
15. Penalty for dismissed members of Police Force not delivering up clothing, accoutrement, &c.
16. Police Superannuation Fund.
17. Disposal of the proceeds of certain fines, &c.
18. Commissioner of Police may appoint Special Constables when necessary.
19. Powers of Special Constables.
20. Penalty for Special Constable neglecting or refusing to serve, &c.
21. Appointment of additional Constables on the application of private individuals. Proviso.
22. Police Districts. Appointment of Police Magistrates.
23. Police Officers to be in attendance at the Police Courts.
24. Service of criminal process by Police Officer.
25. Execution of warrants.
26. What Officers summarily triable by Magistrates.
27. Summary jurisdiction of two Magistrates in certain cases.
28. Restitution of stolen property to owner, or imposition of fine on offender.
29. Penalty for wilful tresspass on property.

30. Magistrate may make order of maintenance for wives and children. Proviso.

31. Magistrate may compel immediate restoration of a woman or child detained for any unlawful purpose.

32. Apprehension and punishment of reputed thieves, &c.

33. Penalty for taking Spirits into Barracks or on board Vessels of War.

34. Penalty for taking spirits, &c. into Jail.

35. Penalty for keeping Hotel, &c., without a license.

36. Excise license not to be granted without Certificate of Commissioner of Police.

37. Duration and conditions of license.

38. Penalty for keeping up a signboard or notice after expiry of license.

39. Commissioner of Police may grant licenses for places for which no licenses are required under Act XI of 1849.

40. Penalty for a breach of any condition of a license.

41. Fee for Certificate and license.

42. Penalty for harbouring and concealing deserters from merchant vessels.

43. Brothels.

44. Penalty for owning or keeping, or being employed in a gaming-house, &c.

45. Penalty for being found playing in a gaming-house.

46. Commissioner of Police or Magistrate may grant warrants to Police Officers to enter a gaming-house for the purpose of search and seizure.

47. Common gaming-house.

48. On conviction for keeping a common gaming-house, instruments of gaming to be destroyed, &c.

49. Proof of playing for stakes unnecessary.

50. Witness indemnified.

51. Portion of fine may be paid to informer.

53. Pawn-brokers and money-changers to report stolen property under a enalty for neglect.

54. Taking pledge from child under the age of fourteen.

55. Standard weights and measures.

56. Powers of Inspector, &c., to enter shops to seize false weights and measures.

57. Manufacture or possession of Gunpowder.

58. Licenses by Commissioner of Police for sale and deposit of Gunpowder, &c.

59. Licenses for conveying and removing Gunpowder.

60. Commissioner of Police may issue warrant to search for Gunpowder. &c.

61. Act not to apply to Government Gunpowder, &c.

62. The regulation of public processions, &c.. and of carriages and persons at places of public resort. Licenses for use of music in streets.

63. Passenger-boats to be registered. Registration. Name of owner or manjee, number, etc., to be painted. Penalty.

64. Commissioner may refuse to register unsafe boats, or, if registered, may cancel the registry.

65. Penalty for neglecting or delaying to report accident to a registered boat attended with loss of life.

66. Penalty for the following offences in public streets, etc. Driving etc., elephant or camel. Driving a vehicle without a sufficient light. Driving vehicle otherwise than on left side of the road. Exposing for show horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner. Negligence in driving cattle. Leaving cart, etc., without control. Obstructing road or thoroughfare by carriage, etc. Obstructing footway. Beating drums, tomtom, etc. Driving a cart with insufficiently greased wheels. Lighting fires and discharging guns. fire-works etc. Illuminations. Affixing bills, or otherwise defacing houses, etc. Bathing, etc., in public street or aqueduct. Obstructing persons at bathing-places.

68. Penalty for drunkenness, or riotous or indecent behaviour in public.

69. Penalty for committing a nuisance in streets.

70. Beggars.

71. Stray animals to be impounded and sold unless redeemed within ten days.

72. Police Officer may arrest without warrant on view of offence.

73. Police Officer may take into custody, without warrant, persons charged with having recently caused hurt.

74. Apprehension of offenders by private individuals.

75. Penalty for assaulting or forcibly resisting a person who apprehends under the preceding Section.

76 Persons taken into custody by a Police Officer without warrant may be detained in Station House, until brought before a Magistrate or bailed.
77. Power to take recognizances at the Station House upon certain charges.
78. Condition of recognizance.
79. On suspicion of goods being stolen or unlawfully obtained, Commissioner of Police or Magistrate may grant search-warrant.
80. Power to search houses for stolen property without a warrant in certain cases.
81. Seizure of stolen property.
82. Disposal of stolen property in custody of Police.
83. Magistrate may proceeded by summons, and if party does not appear may issue warrant. In cases not of a criminal nature, Magistrate may proceed in the absence of the person summoned. Prosecution for such offence to be commenced within three months.
84. How summons may be served.
85. Magistrate may issue warrant without summons when grounds for doing so are stated on oath.
86. Magistrate may enforce attendance of witness : and administer oath.
87. Fees on summons and subpœna. Proviso.
88. Power to Magistrates to order prisoners to be brought up to the Police Office.
89. Giving false evidence.
90. Power to Magistrate to adjourn the hearing of case, and commit defendant, or suffer him to go at large, or discharge him upon his own recognizance. In cases not of a criminal nature, Magistrate may proceed with the further hearing in the absence of parties. In all cases, if prosecutor fails to appear, complaint may be dismissed.
91. Power to award costs on hearing of information or complaint.
92. Amends may be awarded for charges made on insufficient grounds.
93. Levy of fines.
94. Distress not unlawful for want of form, &c.
95. If Magistrate certifies the non-appearance of a person pursuant to his recognizance, the sum ackowledged may be recovered as a fine.
96. Recognizances for keeping the peace or for good behaviour. If such recognizance do not exceed 200 Rupees, the amount, upon conviction, if forfeited, may be recovered as fine. Proceeding against sureties.
97. Form of judgment.
98. On what grounds conviction may be quashed. Form of conviction, &c.
99. Limitation of action- Notice of action. Plea. Tender of amends. Costs.
100. Moveable property under two hundred Rupees in value of persons dying intestate may be taken charge of by Police, and delivered to party claiming to be entitled thereto.
101 Commissioner of Police may take security for due administration and distribution of such property. Saving of right of other person claiming.
102. Stray dogs to be killed at certain appointed periods.
103. Foreign Deserters.

Preamble.

WHEREAS it is expedient to amend and consolidate the provisions of Act XIII of 1856 and of Act XLVIII of 1860, so far as the said Acts are applicable to the Town of Calcutta ; It is enacted as follows :—

Short Title.

I. This Act may be cited as "The Calcutta Police Act, 1866."

Acts XIII of 1856 and XLVII of 1810 repealed as far as regards Calcutta.

II. The said Acts XIII of 1856 and XLVIII of 1860, so far as they relate to the Town of Calcutta, are hereby repealed, except so far as they repeal any other enactment, and except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

Interpretation.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say)—

"Town."

The words "Town of Calcutta" shall include all places within the local limits of the Jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

"Magistrate."

The word "Magistrate" shall mean any Magistrate of Police acting for the said Town.

"Property."

The word "property" shall include any chattel, money, or valuable security.

Month."

The word "month" shall mean calendar month.

The word "oath" shall include any affirmation or declaration lawfully substituted for an oath. "Oath."

The words "common Gaming-house" shall be taken to mean any house, room, or place in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning or keeping such house, room, or place, whether by way of charge for the use of the instruments of gaming, or of the house, room, or place, or otherwise howsoever. "Common Gaming-house."

The word "cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine. "Cattle."

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number. Words importing the masculine gender shall include females. Number. Gender.

IV. The administration of the Police in the Town of Calcutta shall be vested in an Officer to be styled the Commissioners of Police for such Town, who shall from time to time be appointed by the Lieutenant-Governor of Bengal and may be removed by the same authority, and who shall receive such salary as the Governor-General of India in Council shall allow. Appointment and removal of Commissioner of Police.

V. The said Lieutenant-Governor may from time to time appoint one or more Deputies to the Commissioners of Police, who shall be competent to perform any of the duties assigned to that Officer under his orders. The Deputy Commissioners may be removed at any time by order of the said Lieutenant-Governor. Appointment of Deputies to the Commissioner of Police.

VI. The Commissioner of Police shall not ordinarily be a Magistrate of Police under this Act, but, with the sanction of the Governor-General of India in Council, may be appointed to that office, when the said Lieutenant-Governor, for special reasons, may deem it expedient. Commissioner of Police shall not ordinarity be a Magistrate.

VII. The Commissioner of Police shall be appointed a Justice of the Peace, but unless he is vested with the jurisdiction of a Magistrate of Police, he shall act as a Justice only so far as may be necessary for the preservation of the peace, the prevention of crimes, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate of Police; and so far as may be necessary for the performance of the duties assigned to the Commissioner by this Act. The Deputies to the Commissioner of Police may be appointed Justices of the Peace, and, if so appointed, shall act in that capacity subject to the above restriction. Commissioner of Police to be a Justice of the Peace, but to act only in certain cases.

VIII. For the said Town of Calcutta there shall be a Police Force, which shall consist of such number of officers and men, and shall be otherwise constituted in such manner, as shall be, from time to time, ordered by the said Lieutenant-Governor, with the sanction of the Governor-General of India in Council. Constitution of Police Force.

IX. The Police Force shall be under the exclusive direction and control of the Commissioner of Police, who may, from time to time, subject to the approbation of the said Lieutenant-Governor, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution, and particular service of the several members thereof; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; and all such other orders and regulations relative to the said Police Force as the said Commissioner shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties. The Police Force to be under the control of the Commissioner. Rules for the government of the Force to made by the Commissioner and approved by Government.

X. The appointment of the members of the Police Force shall rest with the Commissioner of Police, and he may at any time suspend or dismiss any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same. Appointment &c., of the Police Force to rest with the Commissioner.

XI. For any lesser breach of discipline, or other misconduct not requiring the suspension or dismissal of the offender, a member of the Police Force may be fined by the Commissioner in any sum not exceeding one-half of his monthly pay. Power of Commissioner to fine members Police Force.

XII. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Police, besides being suspended or dismissed from his employment at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred Rupees (which may be deducted from any salary then due to such offender), or to imprisonment, with or without hard labor, for any term not exceeding three months. Additional penalties for members of the Police Force for neglect of duty &c.

XIII. Every member of the Police Force shall receive on his enrolment, a Certificate (A), under the signature of the Commissioner of Police by virtue of which he shall be vested with the powers, functions, and privileges of a Constable. Such Certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Force. Member of Police Force to receive Certificates vesting them with the powers of a Constable.

Member of Police Force not to resign without leave, or six or two months' notice.

XIV. No member of the Police Force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six months' notice of his intention, if a member of the mounted branch of the said Force, and two months' notice if a member of any other branch; and every member of the said Force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, if such Magistrate shall think fit, to pay a fine not exceeding fifty Rupees, or to be imprisoned, with or without hard labor, for any term not exceeding two months.

Penalty for dismissed members of Police Force not delivering up clothing, accoutrement, &c.

XV. Every member of the Police Force, who shall be dismissed from, or shall cease to hold and exercise, his office, and who shall not forthwith deliver up his Certificate, and all the clothing, accoutrements, and other necessaries which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person, and at such time and place, as shall be directed by the said Commissioner, shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding one month. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

Police Superannuation Fund.

XVI. There shall be deducted from the pay of every member of the Police Force, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum, after such rate as the said Lieutenant-Governor shall direct, not exceeding one anna in the Rupee, which sum so deducted shall, from time to time, be invested in such manner and in such securities as the said Lieutenant-Governor may in writing direct, and the said sum so invested, together with the interest and dividends thereof, shall form a Fund, to be called "The Police Superannuation Fund," and shall be applied, from time to time, to payment of such superannuation or retiring allowances or gratuities as may be ordered by the said Lieutenant-Governor at any time to any of the aforesaid members of the Police Force. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

Disposal of the proceeds of certain fines, etc.

XVII. All sums accruing from stoppages from members of the Police Force during absence from sickness or other cause and fines imposed on members thereof for misconduct, and from fines imposed by Magistrate upon drunken persons or for assaults upon Police Officers, and all moneys arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, shall be credited to any Fund applicable to Police purposes.

Commissioners of Police may appoint Special Constable when necessary.

XVIII. The Commissioner of Police may, of his own authority, appoint Special Constables to assist the Police Force on any temporary emergency.

Powers of Special Constables.

XIX. Every Special Constable so appointed shall have the same power, privileges, and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

Penalty for Special Constable neglecting or refusing to serve, &c.

XX. If any person, being appointed a Special Constable as aforesaid, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees for every such neglect, refusal, or disobedience.

Appointment of additional Constable on the application of private individuals.

XXI. The Commissioner of Police may also, if he shall think fit, on the application of any person shewing the necessity of it, appoint any additional number of Constables to keep the peace at any place within his jurisdiction at the charge of the Person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit; and every such Constable shall receive a Certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the Constables belonging to the Police Force.

Proviso.

Provided that the person upon whose application such appointment shall have been made may, upon giving one month's notice in writing to the Commissioner of Police, require that the Constables; so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional Constables; and all moneys received by the Commissioner for the payment of any such additional Constables shall be accounted for by him.

Police Districts.

XXII. The said Lieutenant-Governor may constitute, within the said Town of Calcutta, so many Police Districts as to such Lieutenant-Governor shall seem fit, and define the extent thereof; and from time to time alter the number and extent of such Police Districts, and establish a Police Court in and for each of such Districts or in and for such other Districts as the said Lieutenant-Governor may consider necessary. The said Lieutenant-Governor may, from time to time, appoint a sufficient number of fit persons as Magistrates of Police for the said Town, who may sit and act as such Magistrates in any of the said Police Courts. Every such person, before he shall act as a Magistrate of Police, shall also be appointed a Justice of the Peace, and shall exercise all powers and jurisdictions which by virtue of any law may be exercised by two Justices of the Peace.

Appointment of Police Magistrate.

Police Officers to be in attendance at the Police Courts.

XXIII. The Commissioner of Police shall take care that a sufficient number of Officers belonging to the Police Force shall be in attendance upon every Magistrate sitting at any Police Court, for the purpose of executing all such orders and processes as may be directed or delivered to them.

Service of criminal process by Police Officer.

XXIV. All summonses, subpœnas, and warrants issued in any criminal proceeding by a Commissioner or Deputy Commissioner of Police, or by any Magistrate of Police, shall be served and executed within the said Town of Calcutta by an Officer of the Police Force, and by none other.

Execution of warrants.

XXV. When any warrant shall be directed or delivered to any such Officer, unless the authority issuing it shall order that it be executed without delay, such Police Officer shall deliver the same to the superior Officer in charge of the Division to which he belongs, who shall appoint, by endorsement thereon, one or more Police Officers to execute the same; and every Police Officer, whose name shall be so endorsed thereon, shall have the same powers, privileges, and protection, as if the same had been originally directed to him by name.

What Offences summarily triable by Magistrate.

XXVI. When any person is charged before a Magistrate with having committed, within the said Town, or within the limits of the Port of the said Town, or of any navigable river or channel leading thereto, as such limits shall be defined under the provisions of Act XXII of 1855 *(for the regulation of Ports and Port-dues,)* any of the offences specified in this Section, and in the opinion of the Magistrate the case is one which will be adequately punished by imprisonment of the description, or either of the descriptions, applicable by law to the offence for a term not exceeding six calendar months, or (where by law the offence is punishable with fine alone) by a fine not exceeding two hundred Rupees, or (in cases where by law both punishments may be imposed) by both such imprisonment and such fine, it shall be lawful for the Magistrate to proceed to try the case summarily, and on conviction to impose such punishment as aforesaid, and also to impose the punishment of whipping in lieu of, or in addition to, other punishment, in any case where by law the punishment of whipping may be imposed. Provided that, where the offence charged is one relating to moveable property, the Magistrate shall not try the case summarily, unless the value of such property does not exceed fifty Rupees. Provided, also, that nothing in this Section contained shall empower a Magistrate to impose any punishment for an offence in excess of that imposed for such offence by the Indian Penal Code.

The following are the offences above referred to:—

1. Offences under Section 133, 134, 135, 136, 137, 138, or 140 of the Indian Penal Code.
2. Offences under Section 161 of the Indian Penal Code.
3. Contempts of the lawful authority of public servants, other than an offence under Section 181 of the Indian Penal Code.
4. Resistance or obstruction by a person to his lawful apprehension under Section 224 of the Indian Penal Code.
5. Resistance or obstruction to the lawful apprehension of another person under Section 225 of the Indian Penal Code.
6. Offences relating to weights and measures.
7. Offences relating to religion.
8. Attempts to commit suicide.
9. Voluntarily causing hurt under Section 321 of the Indian Penal Code.
10. Voluntarily causing hurt on provocation under Section 334 of the Indian Penal Code.
11. Doing an Act rashly or negligently under Section 336 or 337 of the Indian Penal Code.
12. Wrongful restraint under Section 341 of the Indian Penal Code.
13. Wrongful confinement under Section 342 of the Indian Penal Code.
14. Assault or criminal force under Section 352, 353, 357, or 358 of the Indian Penal Code.

15. Theft under Section 379* of the Indian Penal Code.

16. Dishonest misappropriation or coversion of moveable property under Section 403 of the Indian Penal Code.

17. Dishonestly receiving or retaining stolen property under Section 411 of the Indian Penal Code.

18. Assisting in the concealment, disposing of, or making away with, stolen property under Section 414 of the Indian Penal Code.

19. Cheating under Section 417, 418, or 419 of the Indian Penal Code.

20. Mischief under Section 426, 428, or 434 of the Indian Penal Code.

21. Criminal trespass under Section 447, 448, 453, 461, or 462 of the Indian Penal Code.

22. Criminal breach of a contract of service.

23. Criminal intimidation, insult, annoyance.

24. Attempts to commit any of the foregoing offences under Section 511 of the Indian Penal Code.

25. Abetment of any of the foregoing offences.

Summary jurisdiction of two Magistrates in certain cases.

XXVII. Whenever any person is charged before the Magistrate with any of the offences mentioned in the last preceding Section, or with any of the offences of hurt described in the Indian Penal Code, Sections 319 to 338, both inclusive, and by reason of the value of the property forming the subject of such charge, or for any other cause, the offence is not by law summarily cognizable by a single Magistrate, and some material witness is about to leave the Town or Port of Calcutta, it shall be lawful for two Magistrates, upon proof of the matters aforesaid, if they shall deem it probable (with reference to the time appointed for the departure of such witness) that the prosecution in Her Majesty's High Court of Judicature of the person so charged, will be ineffectual in consequence of the absence of such material witness, to hear and determine the charge summarily, and on conviction to sentence the offender to imprisonment, with or without hard labor, for a term not exceeding twelve months. Provided that it shall be lawful for the said two Magistrates, if they deem that the charge is from any circumstances fit to be made the subject of prosecution in the High Court rather than to be summarily disposed of, to commit the person charged for trial before the High Court of Judicature.

Restitution of stolen property to owner or imposition of fine on offender

XXVIII. Upon a summary conviction for any of the offences mentioned in the foregoing Sections, the Magistrate or Magistrates, as the case may be, may order the restitution to the owner of the property forming the subject of the charge, if the same be forthcoming; and in the case of its not being restored pursuant to such order, or of its not being forthcoming, may impose upon the offender, in addition to the punishment for the offence, a fine not exceeding the loss appearing to be caused to the persons who have suffered thereby, and may pay or distribute the proceeds of the said fine to or for the benefit of the said persons.

Penalty for wilful trespass on property.

XXIX. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, or on any land or ground attached thereto, or on any boat or vessel, not thereby causing any actual damage, or on any ground belonging to Government or appropriated to public purposes, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty Rupees.

Magistrate may make order of maintenance for wives and children.

XXX. If any person, having sufficient means, neglect or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for a Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem resonable; and if such person shall wilfully neglect comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner hereinafter provided for levying fines; or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided, always, that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction. Provided, also, that if such person offers to maintain his wife on condition of her living with him, and his wife shall refuse to live with him, it shall be lawful for the Magistrate to consider any grounds of refusal stated by such wife; and he may make the order aforesaid, notwithstanding such offer aforesaid, if he shall be satisfied that such person is living in adultery, or that he has habitually treated his wife with cruelty.

Proviso.

Magistrate may compel immediate restoration of a woman or child detained for any unlawful purpose.

XXXI. Upon complaint made to a Magistrate on oath of the kidnapping, abduction, or detention of a woman, or of a female child under the age of fourteen years, for any unlawful purpose, such Magistrate may, on satisfactory proof of

* This section to be read as if, after the figures 379, the figures and words 380 and 381 immediately followed. *Vide* Act VIII. 1866 B. C.

such detention, make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian, or other person having the lawful charge or government of such child, and may compel compliance with such order, using force if necessary.

Apprehension and punishment of reputed thieves, &c.

XXXII. Any person found between sun-rise and sun-set armed with any dangerous or offensive instrument whatsoever, with intent to commit any criminal act; any reputed thief found between sun-set and sun-rise on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found between sun-set and sun-rise having his face covered or otherwise disguised, with intent to commit any offence; any person found between sun-set and sun-rise in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking—may be taken in to custody by any Police Officer without a warrant, and shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for taking Spirits into Barracks or on board Vessels of War.

XXXIII. Whoever, not being amenable to the Articles of War for Her Majesty's Army or Her Majesty's Navy, or for the Native Officers or Soldiers in Her Majesty's Indian Army, takes, or attempts to take, into Fort William at Calcutta, or into any Military Barracks, guard-rooms, or encampments within the Town of Calcutta, or on board or alongside of any Vessel of War belonging to Her Majesty in the Port of the said Town, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, without the license in writing of the Commanding Officer (unless such articles are intended for some person above the rank of Non-Commissioned Officer), shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees, or imprisonment for any term not exceeding two months, with or without hard labor; and such liquors, drugs, or preparations, and the vessels containing the same, shall be forfeited.

Penalty for taking spirits, &c., into Jail

XXXIV. Whoever takes, or attempts to take, without due permission, or throws, or attempts to throw, into any jail or house of correction, or into any public hospital, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees, or to imprisonment, with or without hard labor, for any term not exceeding two months.

Penalty for keeping Hotel &c. without a license.

XXXV. Whoever in the Town of Calcutta has or keeps any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy shop, or place for the sale or consumption of Gunja, Chundoo, or other preparation of Opium, Hemp, or other intoxicating drug, plant, or substance, or has or keeps any Coffee-house, Boarding-house, Eating-house, Lodging-house, or other place of public resort and entertainment, wherein provisions, liquors, or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license to be obtained in the manner hereinafter mentioned, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees for every day that the said house or place of entertainment is kept open, or the sale of provisions, liquors, or refreshments is continued without the necessary license. Provided that nothing in this Act shall apply to the sale in reasonable quantities of any drug, plant, or substance in any Chemist's or Druggist's shop for medicinal purposes only.

Excise license not to be granted without Certificate of Commissioner of Police.

XXXVI. No license shall be granted under the provisions of Act XI of 1849 (*of securing the Abkaree Revenue of Calcutta*) unless the person applying for such license shall produce a Certificate from the Commissioner of Police, stating that a license may be granted to him for the sale of spirituous liquors or intoxicating drugs, as the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed, and shall have remained in force under the provisions hereinafter contained at the date when such license shall be granted. No license so granted shall be renewable without a fresh Certificate as aforesaid previously obtained from the Commissioner of Police, subject to the order and control of the Lieutenant-Governor of Bengal.

Duration and conditions of license.

XXXVII. It shall be competent to the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor, to limit in such Certificate as aforesaid, the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid, and for the prevention of drunkenness and disorder among the persons frequenting or using the same, and from time to time to vary such conditions subject to such direction and control as aforesaid; and no license granted under the said Act XI of 1849 shall be valid, unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this Section.

Penalty for keeping up a signboard or notice after expiry of license.

XXXVIII. Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted, to remove or cause to be removed any signboard or other notice which such person might have been theretofore bound, under the conditions of his said license, to affix on or near the house or place of public resort or entertainment for which such license had been granted; and any person who shall fail to obey any such order forthwith, shall be liable, on summary conviction before a Magistrate, to a fine of ten Rupees for every day thereafter during which he shall so fail.

Commissioner of Police may grat licenses for places for which no licenses are required under Act XI of 1849.

XXXIX. The Commissioner of Police may, at his discretion, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid for which no license as is specified in the said Act XI of 1849 is required, upon such conditions, to be inserted in every such license, as he with the sanction of the said Lieutenant-Governor, from time to time, shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any time not exceeding one year.

Penalty for a breach of any condition of a license.

XL. Any person committing a breach of any of the conditions of a license granted either under Section XXXVI or Section XXXIX of this Act shall, on summary conviction before a Magistrate, be punishable by a fine not exceeding one hundred Rupees; and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale. Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor.

Fee for Certificate and License.

XLI. For every Certificate or License granted by the Commissioner of Police under this Act, there shall be levied a fee of two Rupees.

Penalty for harbouring and concealing deserters from merchant vessels.

XLII. Whoever in any place within the said Town, wilfully harbours or conceals any seaman or apprentice belonging to any vessel other than a vessel of the Navy of the Queen, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees.

Brothels.

XLIII. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, such Commissioner or Magistrate may summon the owner or tenant of the house, and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty five Rupees for every day thereafter that the house shall be so used.

Penalty for owning or keeping, or being employed in a gaming house, &c.

XLIV. Whoever, being the owner, occupier, or having the use of any house, room, or place, opens, keeps, or uses the same as a common gaming-house; and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be opened, kept, or used by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, or place so opened, kept or used; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding five hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for being found playing in a gaming-house.

XLV. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Commissioner of Police or Magistrate may grant warrants to Police Officers to enter a gaming-house for the purpose of search and seizure.

XLVI. If the Commissioner of Police or a Magistrate, upon information on oath, and after such enquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any Inspector or superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place, and to take into custody all persons whom he finds therein, whether or not then actually gaming, and to seize all instruments of gaming, and all moneys, and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of

gaming, which are found therein, and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody, and to seize and take possession of all instruments of gaming found upon such search.

Common gaming-house.

XLVII. When, under the provisions of the last preceding Section, any cards, dice, gaming-table, or cloth, board, or other instruments of gaming, are found in any house, room, or place, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

On conviction for keeping a common gaming-house, instruments of gaming to be destroyed, &c.

XLVIII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited, or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary

XLIX. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Witnesses indemnified.

L. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Portion of fine may paid to informer.

LI. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under Sections XLIV and XLV of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under Section XLVIII, to be paid to an informer.

LII.—Repealed by Section XVII of Act II. 1867, of the Bengal Council.

Pawn-brokers and money changers to report stolen property under a penalty for neglect.

LIII. If any property answering the description set forth in any information which shall be given by any Police Officer to any pawn-broker or dealer in second-hand property, or money-changer regarding property stolen or fraudulently obtained, shall then be or thereafter come into the possession of, or be offered in pawn, or for sale, or change, to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information to that effect at the nearest Police Station, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty, to be imposed by a Magistrate on summary conviction, not exceeding fifty Rupees for each and every such neglect or offence; provided always that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Taking pledge from child under the age of fourteen.

LIV. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge, or security for any sum of money lent or advanced to such child, or, without the knowledge and consent of the owner of the article, buys from any child any article whatsoever, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred Rupees.

Standard weights and measures.

LV. The Commissioner of Police shall keep in his Office standard weights and measures; and weights and measures shall be held to be false when they do not agree with such standards.

Powers of Inspector etc., to enter shops, to seize false weights and measures.

LVI. Any Inspector or superior Officer of Police may enter any shop or premises for the purpose of inspecting the weights and measures, and instruments for weighing, kept or used therein, and may seize any weight, measure, or instrument for weighing which he may have reason to believe is false.

Manufacture or possession of Gunpowder.

LVII. Whoever manufactures Gunpowder, or, without a license from the Commissioner of Police, has in his possession, in any house, shop, warehouse, or other building, at any time, a greater quantity of Gunpowder than ten pounds, shall be liable, on a summary conviction before a Magistrate, to a fine not exceeding five hundred Rupees, and also to forfeit such Gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of Gunpowder, etc.

LVIII. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of Gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions shall, on summary conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees, and to forfeit all Gun-powder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate, or of the Commissioner, to forfeit his license.

Licenses for conveying and removing Gunpowder.

LIX. The Commissioner, of Police may grant to any person a license for the transit and carrying of Gunpowder from one place to another, in such manner and in such quantity as he may deem advisable; and any person, not being duly licensed in that behalf, who carries or conveys a greater quantity of Gunpowder than one pound from one place to another, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees.

Commissioner of Police may issue warrant to search for Gunpowder, etc.

LX. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day time any house shop, magazine, or other building or place in which he has reasonable ground to suspect that any Gunpowder is manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle in which any Gunpowder may be suspected to be carried, or any person suspected of carrying the same, contrary to the provisions of this Act; and all gunpowder found on such search shall, together with the vessels or receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

Act not to apply to Government Gunpowder, etc.

LXI. None of the four last preceding Sections shall extend to any Government magazine, or store, or building for the making or deposit of Gunpowder under the authority, or for the use of the Government, or to any Gunpowder belonging to Her Majesty.

The regulation of public processions, etc., and of carriages and persons at places of public resort

LXII. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the said Lieutenant-Governor, make rules for the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribing the routs by which, and the times at which, such processions may pass; and for keeping order in the public roads, streets, thoroughfares, ghauts, and landing-places, and all other places of public resort, and preventing obstructions thereof on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, or thoroughfares, ghauts, or landing-places, may be thronged, or may be liable to be obstructed; and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies. Every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred Rupees.

Licenses for use of music in streets.

Passenger-boats to be registered.

LXIII. No boat shall ply for passengers in the Port of Calcutta unless duly registered at the Police Office. The following particulars shall be entered in the Register :—

First.—Number of the boat.

Second.—Name and residence of the owner, and of the manjee.

Third.—Number of the crew.

Fourth.—Number of persons the boat is permitted to carry.

Registration.

The registration shall be in force for one year; and every change of the owner or manjee within that time shall be therein noted. A fee of one Rupee shall be paid on registration.

Name of owner or manjee, number, &c., to be painted.

The owner or manjee of every such registered boat shall cause to be painted on a conspicuous part of it, in the English and Vernacular languages, the registered number thereof, the number of the crew, and the number of passengers permitted to be carried.

Penalty,

The owner or manjee of a boat playing for passengers without being duly registered, or carrying more passengers, or with a less crew, than is stated in the register, or not having the prescribed particulars painted on it, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees.

Commissioner may refuse to register unsafe boats, or, if registered, may cancel the registry.

LXIV. The Commissioner may refuse to register any boat, or may cancel the registration thereof whenever it may appear to him to be in an unsafe state.

Penalty for neglecting or delaying to report accident to a registered boat attended with loss of life.

LXV. Whenever any accident shall occur to a registered boat, attended with loss of the life of any one of the crew or passengers, the manjee, or, if the manjee be not forthcoming, the owner of the boat, shall report the circumstances at the Police Office; and if the manjee or the owner, as the case may be, without lawful

excuse, neglect or delay to make such report, he shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees.

Penalty for the following offences in public streets, &c.

LXVI. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the said Lieutenant-Governor, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty Rupees.

Driving, &c., elephant or camel.

1. Whoever drives, rides, or leads any elephant or camel without permission from the Commissioner of Police.

Driving a vehicle without a sufficient light.*

2. Whoever drives any vehicle of any description, at any time between three quarters of an hour after sun-set, and one hour before sun rise, without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moon-light to render such light unnecessary.

Driving vehicle otherwise than on left side of the road.

3. Whoever, without reasonable cause, shall drive a carriage, cart, or other vehicle otherwise than on the left or near side of the road.

Exposing for show horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner.

4. Whoever exposes for show, hire, or sale, any horse or other animal, or any carriage, or cleans or dresses any horse or other animal, or cleans any carriage or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident where repair on the spot is necessary, or trains or breaks any horse, except in such place and at such times as may be allowed by the Commissioner.

Negligence in driving cattle.

5. Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in any wise misbehaves himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction.

Leaving cart, &c., without control.

6. Whoever, being in charge of a cart, carriage, or horse, leaves it as such a distance as not to have the same under due control.

Obstructing road or thoroughfare by carriage, &c.

7. Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; or leaves any cart, carriage, or truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing footway.

8. Whoever leads or rides any horse or other animal, or draws or drives any cart, carriage, or truck upon any foot-way, or fastens any horse, or animal so that it can stand across or upon any foot-way.

Beating drums, tomtom, &c.

9. Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other metal instrument or utensil, except at such times and places as shall be, from time to time, allowed by the Commissioner of Police.

Driving a cart with insufficiently greased wheels.

10. Whoever, by driving a hackery or cart with insufficiently greased wheels, shall create a noise which is reasonably calculated to cause annoyance to persons frequenting or residing near the thoroughfare in which such hackery or cart is driven.

Lighting fires and discharging guns, fireworks, &c.

11. Whoever sets fire to, or burns, any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon, in or near any public street, road, or thoroughfare, except at such times and places as shall, from time to time, be allowed by the Commissioner of Police.

Illuminations.

12. Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Affixing bills, or otherwise defacing houses, etc.

13. Whoever, without the consent of the owner or occupier, affixes any bill or notice, or any paper, against or upon any building, wall, or fence, or writes upon, defaces, or marks any such building, wall, or fence with chalk or paint, or in any way whatsoever.

Bathing, etc., in public street or aqueduct.

14. Whoever bathes or washes himself in any public street, or in, upon, or by the side of, any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Obstructing persons at bathing-places.

15. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs at or near such place, or in any other way.

LXVII. Repealed by Act I of 1869 of the Bengal Council.

Penalty for drunkenness, or riotous or indecent behaviour in public.

LXVIII. Whoever is found drunk and incapable of taking care of himself, in any street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten Rupees, or to imprisonment, with or without hard labor, for a term not exceeding twenty-four hours.

Penalty for committing a nuisance in streets.

LXIX. Whoever wilfully and indecently exposes his person, or commits a nuisance, by easing himself in or by the side of or near to any public street or

thoroughfare or place, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten Rupees, or, in default thereof, to imprisonment, with or without hard labor, for fourteen days.

Beggars.

LXX. Whoever, in any public road, street, thoroughfare, or place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment, or deformity, with the object of exciting charity, or of obtaining alms; or whoever seeks for or obtains alms by means of any false statement or pretences, shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding one month.

Stray animals to be impounded and sold unless redeemed within ten days.

LXXI. It shall be lawful for all persons, and it is hereby declared to be the special duty of all Police Officers, to seize all cattle or other animals found straying upon the roads, streets, or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, or of the Government, and to confine such animals in any public pound which shall for such purpose be, from time to time, appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by the owners of the same within ten days after being so impounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound, the fee of eight annas for every goat, sheep, or hog, and one Rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animals so impounded shall be publicly sold, and the produce of such sale, after paying the said fee, and also the expenses of feeding, shall be paid to the owners of such animal, or, in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to any Fund applicable to Police purposes.

Police Officer may arrest without warrant on view of offence

LXXII. Any Police Officer may arrest, without a warrant, any person committing, in his view, any of the offences described or referred to in this Act.

Police Officer may take into custody, without warrant, persons charged with having recently caused hurt.

LXXIII. Any Police Officer may take into custody, without warrant, any person who is charged with causing hurt, in every case in which he shall have good reason to believe that hurt has been caused, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

Apprehension of offenders by private individuals.

LXXIV. Whoever commits an offence on or with respect to the person or property of another, or, in committing any of the offences described or referred to in this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he give his name and address, and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Penalty for assaulting or forcibly resisting a person who apprehends under the preceding Section.

LXXV. If any person lawfully apprehended under the last preceding Section shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid, he shall be liable to a fine not exceeding two hundred Rupees.

Persons taken into custody by a Police Officer without warrant may be detained in Station House, until brought before a Magistrate or bailed

LXXVI. Every person taken into custody without a warrant by a Police Officer, shall be taken to the Station House, in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before a Magistrate.

Power to take recognizances at the Station House upon certain charges.

LXXVII. Whenever any person is brought to a Station House charged with any offence against this Act, or with any of the offences numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, and 25 in Section XXVI of this Act; or whenever a person is in the custody of any Police Officer without a warrant, it shall be lawful for the Officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Condition of recognizance.

LXXVIII. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before the Magistrate at his next sitting, and all persons executing the said recognizance shall acknowledge themselves jointly and severally bound in the sum (not exceeding one thousand Rupees) thereby acknowledged, and the time and place of appearance shall be specified in the said recognizance, or in the condition thereof, and the Officer taking the recognizance shall enter in a book, to be kept for the purpose, the names, residence, and occupation of the party, and his surety or

sureties (if any) enteing into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

On suspicion of goods being stolen or unlawfully obtained, Commissioner of Police or Magistrate may grant search-warrant.

LXXIX. If information shall be given on oath to the Commissioner of Police or to a Magistrate, that there is reasonable cause for suspecting that any thing stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, or any ship or vessel, the Commissioner or the Magistrate, by special warrant under his hand directed to any Police Officer, may cause such dwelling house, building, or other place, or ship or vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant; and the said Commissioner or Magistrate, if it shall appear to him necessary, may empower such Police Officer, with such assistance as may be found necessary (such Officer having previously made known his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if, upon search thereupon made, such thing shall be found, then to convey the same before a Magistrate, or to guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety; and, moreover to take into custody, and carry before the said Magistrate, every person found in such house or place, or ship or vessel, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Power to search houses for stolen property without a warrant in certain cases.

LXXX. If information shall be given to any Officer of Police not below the rank of Inspector, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and he shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Officer, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided, always, that a list of the articles stolen or missing be delivered or taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided, further, that the person who lost the goods, or his representative, accompany the Officer in the search.

Seizure of stolen property.

LXXXI. It shall be lawful for any Police Officer to seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence; and such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

Disposal of stolen property in custody of Police.

LXXXII. If any property, charged to be stolen or fraudulently obtained, shall be in the custody of any Police Officer by virtue of any warrant of a Magistrate, or in prosecution of any charge of an offence against the Indian Penal Code in regard to the obtaining thereof, and the person charged with such offence shall not be found, or shall have been summarily dealt with or discharged, or shall have been tried or acquitted, or if such person shall have been tried and found guilty, but the property so in custody shall not have been included in the charge upon which he shall have been found guilty, or if any property shall have been seized by a Police Officer under the two last preceding Sections—it shall be lawful for any Magistrate to make an order for the delivery of such property to the party who shall appear to be the rightful owner thereof; or, in case the owner cannot be ascertained, then to make such order with respect to the property as to the Magistrate shall seem meet. Provided, always, that no such order shall be any bar to the right of any person to sue the party to whom the property shall be delivered, and to recover such property from him by action at law, so that the action be commenced within two months next after such order shall have been made.

Magistrate may proceed by summons, and, if party does not appear, may issue warrant.

In cases not of a criminal nature, Magistrate may proceed in the absence of the person summoned

LXXXIII. Upon any information or complaint, which need not be upon oath, laid or made before a Magistrate of Police, of any matter which such Magistrate is by law authorized to hear and determine summarily, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not appear according to the tenor of the summons, the Magistrate, upon proof of the service of the summons, may proceed in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the person charged, to hear and determine the case in his absence; or in such cases, and in all criminal cases, may, if he think fit, upon oath being made before him, substantiating the matter of such information or

complaint to his satisfaction, issue his warrant for apprehending and bringing the person charged before him or some other Magistrate, in order that the said information or complaint may be heard and determined. Provided, always, that the prosecution for any offence not of a criminal nature, punishable upon summary conviction by virtue of this Act, shall be commenced within three months after the commission of the offence, and not otherwise.

Prosecution for such offences to be commenced within three months.

How summons may be served.

LXXXIV. Every such summons shall be served by delivering the original or a copy thereof to the person charged, or by leaving the same at his usual place of abode with some adult male member or servant of his family.

Magistrate may issue warrant without summons when grounds for doing so are stated on oath.

LXXXV. A Magistrate may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence cognizable before him, whenever good grounds for so doing shall be stated on oath before him.

Magistrate may enforce attendance of witness:

and administer oath.

LXXXVI. A Magistrate may summon any person within his jurisdiction to appear before him, at a time and place appointed, as a witness in any matter cognizable by the Magistrate, and to bring with him any document or thing that may be required relating to any offence with which any person is charged before him; and may administer to such person an oath to testify the truth in such matter. If any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, the Magistrate may (after proof upon oath of the summons having been served upon such person either personally or by leaving the same at his usual place of abode with some adult male member or servant of his family) issue a warrant to bring such person before him to testify as aforesaid.

Fees on summons and subpœna.

Proviso.

LXXXVII. For every summons issued by the Commissioners of Police or a Magistrate under this Act, there shall be paid a fee of eight annas, and for every subpœna so issued there shall be paid a fee of four annas. Provided that it shall be lawful for such Commissioner or Magistrate in any case to remit such fee or fees, if he shall be satisfied that the party complaining is unable to pay the same, or if the complaint is made by any Police Officer in execution of his duty.

Power to Magistrates to order prisoners to be brought up to the Police Office.

LXXXVIII. When any Magistrate is desirous of examining any prisoner, confined in the Civil or Criminal Jail, as a witness or defendant, with respect to any charge, case, or proceeding pending before him, it shall be lawful for such Magistrate to issue an order addressed to the Superintendent or Officer in charge of the said Jail, requiring him to bring such prisoner in proper custody, at a time to be therein named, to the Police Office, for examination; and the Superintendent or Officer, in charge of the said Jail, on the receipt of such order, shall act in accordance therewith, and shall provide for the safe custody of the prisoner during his absence from prison for the purpose aforesaid.

Giving false evidence.

LXXXIX. Whoever gives false evidence in any judicial proceeding before a Magistrate, may be committed by such Magistrate for trial before Her Majesty's High Court of Judicature.

Power to Magistrate to adjourn the hearing of case, and commit defendant, or suffer him to go at large, or discharge him upon his own recognizance.

XC. The Magistrate may, from time to time, adjourn the hearing of any information or complaint to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or their respective counsel, attorneys, or agents then present, and in the meantime the said Magistrate may suffer the defendant to go at large, or may discharge him upon his entering into a recognizance, with or without surety or sureties, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned; and, in default of such recognizance, or if the offence with which such person is charged is not a bailable offence, may detain him in custody; and if at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally, or by his or their counsel, attorneys, or agents respectively, before the said Magistrate, or such other Magistrate as shall then be there, it shall be lawful for the Magistrate then there present to proceed, in cases which are not of a criminal nature, to such hearing or further hearing, as if such party or parties were present; and in all cases where the prosecutor or complainant shall not so appear, the said Magistrate may dismiss such information or complaint, with or without costs, as to such Magistrate shall seem fit.

In cases not of a criminal nature, Magistrate may proceed with the further hearing in the absence of parties.

In all cases, if prosecutor fails to appear, complaint may be dismissed.

Power to award costs on hearing of information or complaint.

XCI. It shall be lawful for any Magistrate, who shall hear and determine any information or complaint, to award such costs as to him shall seem meet, to be paid to or by either of the parties to the said charge or complaint; and such costs shall be recoverable in the manner hereinafter provided for levying fines.

Amends may be awarded for charges made on insufficient grounds.

XCII. In every case in which any person shall be given in charge to a Police Officer, or in which any information or complaint of any offence shall be laid or made before any Magistrate, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the charge, the Magistrate

shall have power to award such amends, not exceeding fifty Rupees, to be paid by the informer or complainant to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner hereinafter provided for levying fines.

Levy of fines.

XCIII. All fines and penalties imposed by a Magistrate of Police under the authority of this Act, or of any other Act heretofore passed, or which shall hereafter be passed, if no other means for enforcing the payment of such fines and penalties are, or shall be, provided by such Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate. When a warrant of distress is issued, the Magistrate may order the offender to be detained and kept in safe custody, until return can be conveniently made to such warrant, unless the offender enter into a recognizance with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Magistrate, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Magistrate whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress: and, in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Magistrate, he shall by warrant commit the offender to jail, there to be imprisoned, with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Distress not unlawful for want of form, etc.

XCIV. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto; nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

If Magistrate certifies the non appearance of a person pursuant to his recognizance, the sum acknowledged may be recovered as a fine.

XCV. If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear pursuant to such recognizance, the Magistrate before whom he ought to have appeared shall certify the fact of such non-appearance on the back of the recognizance and thereupon the sum thereby acknowledged shall be recoverable in the manner provided by this Act for levying fines.

Recognizances for keeping the peace or for good behaviour.

XCVI. *Clause* 1.—Every Magistrate of Police shall have the same authority to require persons to enter into recognizances to keep the peace, or to be of good behaviour, as may lawfully be exercised by a Justice of the Peace.

If such recognizance do not exceed 200 Rupees, the amount, upon conviction, if forfeited, may be recovered as fine.

Clause 2.—If any person who has entered into a recognizance in any amount not exceeding two hundred Rupees, to keep the peace or to be of good behaviour, before any Magistrate of Police or any Justice of the Peace, by any act forfeits such recognizance, the Magistrate or other authority before whom he may be convicted of any act by which such recognizance is forfeited, shall, when applied to, certify any such conviction on the back of such recognizance, and thereupon the sum thereby acknowledged to be due by such person shall be recoverable in the manner provided by this Act for levying fines.

Proceeding against sureties.

Clause 3.—Whenever it shall be shown to the satisfaction of a Magistrate of Police, either by the production of such certificate of conviction as is mentioned in the preceding Clause, or otherwise, that any such recognizance is forfeited, the Magistrate, if he think that proceedings should be had against the sureties, shall give notice to them to pay the sums which by their recognizances they have respectively acknowledged themselves to owe, or to show cause, on a day to be named in such notice, why the said sums should not be paid; and, if no sufficient cause shall be shown, the said sums shall be recoverable in the manner provided by this Act for levying fines.

Form of judgement.

XCVII. Any Magistrate, in cases adjudged summarily under the provisions of Section XXVI of this Act, shall cause the judgment to be drawn in the form (B) hereinafter provided, or to the like effect.

On what grounds conviction may be quashed. Form of conviction, etc.

XCVIII. No conviction, order, or judgment of any Magistrate shall be quashed for error of form or procedure, but only on the grounds of want of jurisdiction or absence of any legal evidence or error of law; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be

returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment, shall be aided by what so appears in such depositions.

Limitation of action.

XCIX. *Clause* 1.—All actions and prosecutions against any person, which may be lawfully brought for any thing done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing

Notice of action.

of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in every such action it shall be expressly alleged in the plaint, that the act complained of was done maliciously and without reasonable or probable cause; and if at the trial of any such action, upon the general issue being pleaded as hereinafter provided, the plaintiff shall fail to prove such allegation, he shall be non-suited, and a verdict shall be given for the defendant.

Plea.

Clause 2.—The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become non-suit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same, as any defendant hath by law in other cases; and, though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have cost against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Tender of amends.

Costs.

Moveable property under two hundred Rupees in value of persons dying intestate may be taken charge of by Police, and delivered to party claiming to be entitled thereto.

C. Whenever any person dies intestate within the said Town, leaving moveable property therein under two hundred Rupees in value, which property is, in the absence of any person entitled thereto, taken charge of by the Police for the purpose of safe custody, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration taken out, to any person claiming to be entitled to the whole or any part thereof; provided he shall be satisfied of the title of the claimant, and of the value of the property, by the oath or affirmation of the claimant, or by such other evidence as he may require.

Commissioner of Police may take security for due administration and distribution of such property.

CI. The Commissioner of Police may, at his discretion, before making any order under the preceding Section, take such security as he may think proper for the due administration and distribution of such property. And nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

Saving of right of other person claiming.

Stray dogs to be killed at certain appointed periods.

CII. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

Foreign Deserter.

CIII. Any Magistrate, upon an application being made to him by the Consul of any Foreign power to which the Foreign Deserters' Act (1852) has, by an order of Her Majesty in Council been, or shall hereafter be, declared to be applicable, and upon complaint on oath of the desertion of any seaman, not being a slave, from any ship of such Foreign power, may, until a revocation of such order in Council shall have been publicly notified, issue his warrant for the apprehension of any such Deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, on deposit being first made of such sum as the Magistrate shall deem necessary for the subsistence of the Deserter during such detention; provided that the detention of such Deserter shall not be continued beyond twelve weeks.

SCHEDULE OF FORMS.

FORM A.—*(Referred to in Section XIII.)*

A. B. has been appointed a Superintendent, Inspector, Jemadar, Darogah, or Peon (*as the case may be*), in the Calcutta Police Force, and is vested with the powers, functions, and privileges of a Constable.

FORM B.—*(Referred to in Section XCVII.)*

Be it remembered that, on the day of in the year of our Lord before me ( ) Magistrate of Police in and for the Town of Calcutta, C. D. is *(convicted or acquitted)* on a charge of *(here specify the alleged offence and the time and place when and where the same was committed, as the case may be)*, and I, the said Magistrate of Police, believe the value of the property, the subject of the charge, to amount to a sum not exceeding fifty Rupees, that is to say Rupees; and I adjudge the said C. D. *(here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be)*

(Signed)———

ACT NO. V OF 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 24th March 1866, and of the Governor-General on the 29th idem.)

An Act to make better provision for the regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta.

1. *Act I of 1864 repealed.*
2. *Carriages to be annually registered. Registering Officer to be under the control of the Commissioner of Police.*
3. *Time and duration of registry. License to be delivered to owner.*
4. *Application for registry. Application may be granted or refused. What Carriages to be registered under First Class.*
5. *Form of Register and License.*
6. *Fee for Registration.*
7. *Registering Officer may compound with owners of First Class Carriages.*
8. *Registry may be cancelled when Carriage is unfit for use.*
9. *Notice to be given on change of ownership.*
10. *Owners and drivers of Carriages to give notice of change of residence.*
11. *Registrar to enter change of residence or ownership without fee.*
12. *Penalty for not registering.*
13. *A plate, specifying Class and number, to be affixed to Carriage.*
14. *Penalty for letting Carriage without having proper plate.*
15. *Owner entitled to have new plate, on loss or obliteration of former one. Lost plate, if found, to be delivered to Registering Officer.*
16. *Penalty on owner for not delivering up plate on expiration of registration.*
17. *Penalty for fraudulently using counterfeit plate.*
18. *Drivers of Hackney Carriages to be licensed. Particulars thereof.*
19. *Penalty on driver not having license or lending license.*
20. *Penalty on owner for suffering unlicensed person to act as driver.*
21. *Certified copies of the particulars of license to be given on payment of fee.*
22. *Driver to wear a metal ticket.*
23. *Driver entitled to have new ticket on loss or obliteration of former one.*
24. *Penalty for neglecting to deliver up ticket, lending ticket, &c.*
25. *Penalty for using or having a counterfeit ticket.*
26. *Conviction to be endorsed on driver's license. Penalty for failing to produce.*
27. *Revocation or suspension of driver's license on his conviction of any offence.*
28. *Fares to be paid for Carriages of the Second and Third Class.*
29. *Owner to keep table of fares inside Carriages of Second and Third Class.*
30. *To what distance and at what rate of speed driver to be bound to drive.*

31. First and Second Class Carriage to carry reasonable quantity of luggage.
32. Penalty for refusing to let a Carriage for hire.
33. Penalty in case of drunkenness or misconduct of driver in loitering, refusing to the hired, demanding more than his fare, &c.
34. Penalty on drivers absenting themselves from their employment.
35. Proprietors of Carriages may be summoned to appear and produce the drivers.
36. Penalty for refusing to pay legal fare and evading payment thereof.
37. Penalty for destroying, &c., table of fares.
38. Penalty for wilful injury to Carriage.
39. Disputes how to be settled.
40. Table of distances signed by Registering Officer conclusive.
41. Second and Third Class Carriage may ply as Stage Carriages.
42. Stands to be fixed.
43. Registration of Palankeens.
44. What Register shall contain.
45. Number must be painted on Palankeen. Penalty in case of neglect to Register, or omission to have number painted.
46. Table of Fares must be exhibited in Palankeen.
47. Fares for Palankeens.
48. Registry of Palankeen bearers, and provisions relating to them.
49. To what distance and at what rate of speed bearers of Palankeen bound to go.
50. Property left in Carriages or Palankeens to be deposited at the Police Office.
51. Adjudication of penalties. Disposal of penalties and fees.
52. Amends for frivolous complaints.
53. Interpretation, "Magistrate." "Hackney Carriage." Stage Carriage." "Horse." Number. Gender.
54. Power to extend the Act.

Preamble.

WHEREAS it is expedient to make better provision for the Regulation of Hackney Carriages and Palankeens in the Town of Calcutta; It is enacted as follows:—

Act I of 1864 repealed.

I. From and after the passing of this Act, (Act I of 1864), passed by the Lieutenant-Governor of Bengal in Council, entitled "An Act for regulating Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta," shall be, and the same is hereby, repealed, save and except as to matters done, penalties incurred, and proceedings pending under the last mentioned Act.

Carriages to be annually registered.
Registering Officer to be under the control of the Commissioner of Police.

II. Every Hackney Carriage, within the Town and Suburbs of Calcutta, shall be annually registered by a Registering Officer, who shall be appointed for the purpose by the Government, and who shall keep a Register in which he shall enter every Hackney Carriage, under either the first, the second, or the third class. Every act, matter, or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the order, disposition, and control of the Commissioner of Police, so far as the Town and Suburbs of Calcutta are concerned; and in respect of other Towns and places, of such other Officer as the said Lieutenant-Governor shall in that behalf appoint.

Time and duration of registry.

III. The year of registration shall commence on the first day of April of each year; and every registration made on any date within such year of registration shall be in force to the end thereof and no longer. The registering Officer shall, at the time of registration deliver a license to the owner of every Hackney Carriage registered as aforesaid. Such license shall contain the particulars hereinafter described, and shall be in force for the year of registration and no longer.

License to be delivered to owner.

Application for registry.

IV. The owner of any Carriage, who is desirous of registering it as a Hackney Carriage, must apply to the Registering Officer, stating the Class in which he desires that the Carriage may be registered; and he shall submit the Carriage for the inspection of the Registering Officer at such convenient time and place as the said Officer shall appoint. The Registering Officer shall, on examination of the Carriage, decide whether the Carriage is fit to be registered in the Class applied for, and shall accordingly either register it in that Class, or refuse to grant the application. The person in whose name any Carriage is registered shall be deemed the owner of such Carriage for the purposes of this Act. Provided that no Carriage shall be registered under the First Class, unless the same belong to a Coach Builder, Hotel-keeper, or Livery Stable-keeper and do not ply for hire in the public streets.

Application may be granted or refused.

What carriages to be registered under First Class.

Form of Register and License.

V. The following particulars shall be entered in the Register and shall be specified in the License to be given to the owner:—

1st.—The Class and the number assigned to the Carriage in the Register.

2nd.—The name and residence of the owner of the Carriage.

3rd.—The number of horses to be employed in drawing such Carriage.

4th.—The number of persons the Carriage is licensed to carry.

Fee for Registration.

VI. A fee of three Rupees shall be paid for each registration of a Carriage of the First Class, and a fee of two Rupees for each registration of a Carriage of the Second or Third Class under this Act.

Registering Officer may compound with owners of First Class Carriages.

VII. The Registering Officer may at his discretion compound for any period not exceeding one year, with Livery Stable-keepers and other persons keeping Carriages of the First Class for hire, for a certain sum to be paid in lieu of all fees payable during that period for the registration of such Carriages.

Registry may be cancelled when Carriage is unfit for use.

VIII. The Registering Officer may cancel the registration of any Carriage under this Act, whenever it shall appear to him that such Carriage, or any Horse or Harness used with such Carriage, is unfit for public use, due regard being had to the Class in which such Carriage is registered.

Notice to be given on change of ownership.

IX. Whenever any change shall take place in the ownership of a Hackney Carriage, if the person to whom such Carriage shall have been transferred shall desire to use it as a Hackney Carriage, he shall, before so using it, give to the Registering Officer notice in writing of such transfer, and of his name and place of abode. If any such person shall, before giving such notice as aforesaid, use such Carriage as a Hackney Carriage, he shall be liable to fine not exceeding five Rupees for every day during which he shall so use the same.

Owners and drivers of Carriages to give notice of change of residence.

X. Whenever the owner or driver of a Carriage registered under this Act shall change his residence, he shall give notice thereof in writing signed by him to the Registering Officer, specifying in such notice his new residence. Every such owner or driver who shall change his residence, and shall neglect for one week to give such notice, shall be liable to a penalty not exceeding ten Rupees.

Register to enter change of residence or ownership without fee.

XI. The Registering Officer, on receiving the notices specified in either of the two last proceeding Sections, shall make the necessary alteration in the Register, and no fee shall be chargeable in respect thereof.

Penalty for not registering.

XII. Whoever keeps, or is the proprietor of, any Carriage required by this Act to be registered, and shall omit to have the same so registered, shall be liable to a fine not exceeding one hundred Rupees. Any Police Officer may seize and remove to a Police Station such Carriage together with the Horse or Horses drawing the same. If the Carriage so seized be not claimed, and if any fine imposed be not paid, within ten days, such Carriage, together with the Horse or Horses seized with it, may be sold by auction, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale, and the surplus (if any) if not claimed by the owner within a further period of twenty days, shall be forfeited to the Government.

A plate, specifying Class and number, to be affixed to Carriage.

XIII. Upon the registration of any Carriage in the Second or Third Class, the Registering Officer shall provide a plate bearing the Class and the number of such Carriage in the Register, and the number of persons it is licensed to carry, and shall cause such plate to be affixed on such conspicuous part of the outside of such Carriage as shall, to the said Registering Officer, seem proper.

Penalty for letting Carriage without having proper plate.

XIV. If any Carriage shall be let or used for hire without having a proper plate duly affixed as required by the preceding Section, the owner thereof shall be liable to a penalty not exceeding fifty Rupees.

Owner entitled to have new plate, on loss or obliteration of former one.

XV. Whenever the writing on any plate shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any plate shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the owner of the Carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer, and shall be entitled to have a new plate affixed, upon payment of such sum of money, not exceeding three Rupees, as the Registering Officer shall from time to time appoint. Provided that if any plate, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such plate as last aforesaid shall be or come, and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use, or permit to be used, any plate after the writing thereon shall have become obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding fifty Rupees.

Lost plate, if found, to be delivered to Registering Officer.

Penalty on owner for not delivering up plate on expiration of registration.

XVI. On the expiration or other determination of the registration, the owner of any Carriage registered as aforesaid shall cause the plate of such Carriage to be delivered to the Registering Officer. Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said Officer, and every person who shall retain any plate affixed in respect of a

registration which is no longer in force, shall, for every such offence, be liable to a penalty not exceeding one hundred Rupees. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up a plate, within twelve calendar months after the expiration of the registration in respect of which such plate was affixed.

Penalty for fraudulently using counterfeit plate.

XVII. Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall, for every such offence, be liable to a penalty not exceeding two hundred Rupees; and it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Officer, to seize and take away any plate, used or had as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Drivers of Hackney Carriages to be licensed. Particulars thereof.

XVIII. It shall be lawful for the Registering Officer to grant a license to act as driver of Hackney Carriages to any person who shall apply for the same and to whom it may seem proper to the said Officer to grant it: Provided that no person shall be so licensed who is under fourteen years of age. In every such license shall be specified the number of the license, and the name and place of abode, and age, of the person to whom such license is granted. Every license shall bear date on the day on which the same shall be granted, and shall continue in force for one year from the date thereof, unless the same shall be sooner revoked. And for each such license a fee of two Rupees shall be paid.

Penalty on driver not having license or lending license.

XIX. If any person shall act as the driver of a Hackney Carriage, without having a license, in force for the time being, or, having a license, shall transfer or lend the same, or allow the same to be used by any other person he shall be liable to a penalty not exceeding twenty Rupees, and in default of payment, to imprisonment for a period not exceeding one month.

Penalty on owner for suffering unlicensed person to act as drivor.

XX. Any owner who shall knowingly suffer any person, not duly licensed under this Act, to act as driver of any Carriage registered under this Act of which he shall be the owner, shall be liable to a penalty not exceeding one hundred Rupees for every such offence. Provided that such owner so employing or knowingly suffering to act as driver any person who has not been duly licensed under this Act, shall, and such unlicensed driver shall, be subject to all the powers, provisions, penalties, and proceedings of and under this Act for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

Certified copies of the particulars of license to be given on payment of fee.

XXI. The particulars of every license, which shall be granted under the provisions of this Act, shall be entered in books to be kept for that purpose at the Office of the said Registering Officer, and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of two Annas.

Driver to wear a motal ticket.

XXI. The Registering Officer shall, at the time of granting a license to any driver of a Hackney Carriage of the Second or Third Class, deliver a metal ticket, upon which shall be marked or engraved a number corresponding with the number of his license. Every driver to whom such ticket is delivered, shall, at all times while acting as driver, or while attending before any Magistrate, carry such ticket exposed to view. In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a penalty not exceeding ten Rupees, and in default of payment, to rigorous imprisonment for a period not exceeding one month.

Driver entitled to have new ticket on loss or obliteration of former one.

XXIII. Whenever the writing on any ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the person to whom the license relating to any such ticket shall have been granted, shall deliver such ticket (if he shall have the same in his possession), and shall produce such license, to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him, upon payment of such sum of money, not exceeding one Rupee, as the Registering Officer shall from time to time appoint. Provided, always, that if any ticket, which shall have been proved as aforesaid, to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come, who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act, who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding twenty Rupees.

Penalty for neglecting to deliver up ticket, lending ticket, etc

XXIV. Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license, and the ticket relating thereto, to the said Registering Officer; and every such driver who, after such expiration or determination as aforesaid, shall wilfully neglect for three days to deliver the same to the said Officer, and also every person who shall use, or wear, or detain, any ticket which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every person to whom any ticket shall have been delivered as aforesaid, who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person, shall for every such offence be liable to a penalty of twenty Rupees, and in default of payment, to imprisonment for a period not exceeding one month. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his license or ticket, at any period within twelve calendar months after the expiration of the license.

Penalty for using or having a counterfeit ticket.

XXV. Every person who shall, for the purpose of deception, use or wear or have any ticket resembling or intended to resemble any ticket granted under the authority of this Act shall for every such offence be liable to a penalty not exceeding one hundred Rupees. And it shall be lawful for any Police Officer, or any person employed for that purpose by the Registering Office, to seize and take away any such ticket, or any ticket used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Conviction to be endorsed on driver's license. Penalty for failing to produce.

XXVI. Whenever any driver shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who shall on such requisition fail to produce such licence, shall for every such offence be liable to a fine not exceeding five Rupees. It shall be lawful for any Magistrate, on conviction of any driver of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction, and the amount of the penalty inflicted.

Revocation or suspension of driver's license on his conviction of any offence.

XXVII. It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver, or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same; and every driver or other person who, being so required, shall refuse or neglect to deliver up such license and such ticket, or either of them, shall be liable to a penalty not exceeding twenty Rupees, so often as he shall be so required and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every ticket delivered up to him under this Section, to the Registering Officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such license with the ticket (if it shall have come into the possession of the Registering Officer) to the person to whom it was granted.

Fares to be paid for Carriages of the Second and Third Class.

XXVIII. The owner or driver of every Hackney Carriage registered in the Second or Third Class, shall be entitled to demand and take for the hire of such Carriage the fares set forth in the Schedule (A) to this Act annexed. Provided always, that when the owner or driver of any such Hackney Carriage, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled, calculated according to the distance) of one-forth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or driver shall demand or receive, over and above the said fare, any sum for back fare for the return of the Carriage from the place at which it was discharged. Provided, also, that nothing in this Act contained shall prevent any driver or owner from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Owner to keep table of fares inside Carriages of Second and Third Class.

XXIX. The owner of every Hackney Carriage of the Second or Third Class shall put up, and at all times keep distinctly printed, painted, or marked in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Carriage, the amount of fare according to distance and time which may legally be demand and taken from the hirer of such Carriage as a Hackney Carriage: and the owner of every such Carriage who shall fail to comply with the provisions of this Section, shall, for each offence, be liable, on conviction, to a fine not exceeding ten Rupees.

To what distance and at what rate of speed driver to be bound to drive.

XXX. The driver of every Carriage of the Second or Third Class registered under this Act, shall (unless he have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such Carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired. Provided, always, that when any such Carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule (A) to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same Schedule. Any such driver who shall not drive his Carriage at the rate required as aforesaid, except in cases of unavoidable delay, or who shall refuse or omit to drive the same to any place within the limits aforesaid to which he may be required to drive by the hirer, shall be liable to a penalty not exceeding ten Rupees, or, in default, to rigorous imprisonment for a period not exceeding one month.

First and Second Class Carriages to carry reasonable quantity of luggage.

XXXI. The driver of every First and Second Class Carriage registered under this Act, shall carry in or upon such Carriage a reasonable quantity of luggage for every person hiring such Carriage without any additional charge.

Penalty for refusing to let a Carriage for hire.

XXXII. Any owner or person in charge of any Hackney Carriage registered under this Act, who shall without sufficient reason refuse to let such Carriage for hire, shall be liable on conviction to a fine not exceeding fifty Rupees; and to pay such further sum by way of compensation to the party complaining as to the Magistrate who shall hear the case may seem just; and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act. And when any such Hackney Carriage shall be standing on any premises which under this Act may have been declared to be a public Stand, the owner of the said premises shall be deemed to be the person in charge of such Hackney Carriage within the meaning of this Section.

Penalty in case of drunkenness, or misconduct of driver in loitering, refusing to be hired, demanding more than his fare etc.

XXXIII. Every driver of a Hackney Carriage who shall be drunk during his employment, or make use of insulting or abusive language or gesture; or who shall (elsewhere than at some Stand or other place appointed for the purpose) stand or loiter, for the purpose of being hired, in or upon any public street, road, or place; or who shall suffer his Carriage to stand for hire accross any street or alongside of any other Carriage, or who shall refuse to give way (when he reasonably and conveniently may do so) to any other Carriage; or who shall wilfully obstruct, or hinder, the driver of any other Carriage in taking up or setting down any person into, or from, such other Carriage; or who shall wrongfully prevent or endeavour to prevent, the driver of any other Carriage from being hired; or who shall demand or take more than the proper fare to which he is legally entitled, or who shall refuse to admit and carry in his Carriage the number of persons painted or marked on such Carriage or specified in the Register, or who shall carry more than such number of passengers; or who shall refuse to carry by his Carriage a reasonable quantity of luggage as provided for by this Act; or who, being hired by time, shall, before he has been discharged by the hirer, desert from the hiring; or who shall, ply for hire with any Carriage or Horse which shall be at the time unfit for public use—shall be liable to a penalty not exceeding ten Rupees, and, in default of payment to rigorous imprisonment for a period not exceeding one month

Penalty on drivers absenting themselves from their employment.

XXXIV. Any driver employed as such by the owner of any Carriage registered under this Act, who shall without sufficient excuse refuse or neglect to attend at the premises of such owner for the purpose of driving any such Carriage, whereby such owner is prevented from letting out the same, shall, on complaint by such owner, be liable, for each offence, to a fine not exceeding ten Rupees, (which, or any part of which, may, by order of the Magistrate, be paid or the owner as, compensation,) and, in default of payment, to rigorous imprisonment for a termt not exceeding one month.

Proprietors of Carriages may be summoned to appear and produce the drivers.

XXXV. When a complaint is made before a Magistrate against the driver of a Carriage registered under this Act for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the Carriage personally to appear, and to produce the driver of such Carriage to answer the complaint. If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear, or to produce the driver, according to such summons, he shall be liable to a penalty not exceeding fifty Rupees, and so, from time, to time as often as he shall be so summoned, until such driver shall be produced by him. Provided that, if such owner shall, without a

reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver or either of them.

Penalty for refusing to pay legal fare and evading payment thereof.

XXXVI. If any person who shall have hired a Carriage registered under this Act, shall refuse to pay to the owner or driver thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who shall hear the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable; and, in default of payment, such fare and compensation may be recovered in the same way as fines are recoverable under this Act: and if any hirer who shall have used any such Carriage, shall attempt to evade payment of his fare, he shall be liable, on conviction, to a fine not exceeding fifty Rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for destroying, etc., table of fares.

XXXVII. Any person who shall maliciously or knowingly tear, destroy, or remove any table of fares which shall have been put up under the provisions of Section XXIX of this Act, shall be liable on conviction to a fine not exceeding twenty Rupees, and any portion of such last mentioned fine may be awarded to the owner of the Hackney Carriage to which such table of fares shall have been affixed.

Penalty for willful injury to Carriage.

XXXVIII. Any person using a Carriage registered under this Act, who shall wilfully injure the same, shall be liable on conviction to a fine not exceeding twenty Rupees, and shall also pay to the owner of the Carriage, compensation for the injury. The amount of such compensation shall be determine by the convicting Magistrate, and may be recovered in the same way as fines are recoverable under this Act.

Disputes how to be settled.

XXXIX. In case of any dispute between the hirer and driver of any Hackney Carriage of the Second or Third Class registered under this Act, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate; and if any driver shall refuse to obey such requsition, it shall be lawful, for the hirer to give such driver in to the custody of the nearest Police Officer. Such Police Officer shall thereupon take the driver and hirer, together with the Carriage and Horses, to such Court, and the then sitting Magistrate shall, in either of the cases aforesaid, hear and determine the dispute in a summary way.

Table of Distances signed by Registering Officer conclusive.

XL. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of all the distance therein stated to have been ascertained by the said Officer.

Second and Third Class Carriages may pay as Stage Carriages

XLI. It shall be lawful for any Hackney Carriage of the Second or of the Third Class to ply for hire as a Stage Carriage. The owner or driver of a Carriage so plying for hire, or hired as a Stage Carriage, shall not be subject to the provisions of Section XXVIII of this Act, but shall be entitled to demand and take, for the hire of such Carriage, such fares as shall be agreed upon between him and the several hirers respectively. All the other provisions of this Act shall be applicable to the case of a Hackney Carriage plying as a Stage Carriage, so far as the same shall be applicable in each particular instance.

Stands to be fixed.

XLII. The Registering Officer shall, from time to time, appoint one or more Stands in the Town and Suburbs of Calcutta for Carriages registered under this Act, and may also assign for the use of such Carriages, as public Stands, any Coach Horses, or Stables or Sheds, or other suitable places. Every public Stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Oordoo, and Bengalee langauges, that the Stand is a public Stand under this Act.

Registration of Palankeens.

XLIII. Every Palankeen plying for hire within the Town or Suburbs of Calcutta shall be annually registered by the Officer appointed for registering Hackney Carriages at the time, and in the manner hereinbefore provided with respect to the registration of Hackney Carriages; and upon each registration a fee of eight annas shall be paid: Provided that the Registering Officer may refuse to register any Palankeen, or may cancel the registration thereof, whenever it may appear to him to be unserviceable or unfit for public use.

What Register shall contain.

XLIV. The following particulars shall be entered in the Register, namely, the number of the Palankeen, and the name and residence of the owner; and every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of Hackney Carriages.

Number must be painted on Palankeen.

XLV. The owner of every registered Palankeen shall cause the registered number thereof to be painted in English and Bengalee figures on a conspicuous part thereof. The owner of any Palankeen plying for hire without being registered

Penalty in case of neglect to registor, or omission to have number painted.

or having the number affixed thereto as aforesaid, shall be liable to a penalty not exceeding ten Rupees. The person in whose name a Palankeen is for the time being registered, shall be deemed the owner thereof for the purpose of this Act.

Table of Fares must be exhibited in Palankeen.

XLVI. The owner of every Palankeen shall put up and at all times keep distinctly printed, painted, or marked, in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Palankeen the amount of fare, according to distance and time, which may be legally demanded and taken from the hirer of such Palankeen.

Fares for Palankeens.

XLVII. The owner or person in charge of every Palankeen shall be entitled to demand and take for the hire of such Palankeen the fares set forth in the Schedule (B) to this Act annexed. Provided that, when the owner or person in charge of any such Palankeen to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Palankeen for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled, calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped ; and no owner or person in charge shall demand or receive, over and above the said fare, any sum for back hire for the return of the Palankeen from the place at which it was discharged : Provided, also, that nothing in this Act contained shall prevent any owner or person in charge from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Registry of Palankeen bearers, and provisions relating to them.

XLVIII. It shall not be lawful for any persons to act as the bearer of a registered Palankeen, unless such persons shall have obtained a license from the Registering Officer in manner hereinbefore prescribed for drivers of Hackney Carriages ; and all the provisions of this Act in any way relating to the taking out, granting, renewing, or producing the licenses, or to the issuing, granting, wearing, or using tickets granted to drivers of Hackney Caraiages, shall be applicable in like manner to be bearers of Palankeens. For every license to act as a Palankeen bearer, granted under this Act, there shall be paid a fee of eight annas.

To what distance and at what rate of speed bearers of Palankeen bound to go.

XLIX. The bearers of every Palankeen registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such Palankeen to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired. If such Palankeen shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour. Whenever the bearers of such Palankeen shall be required to carry it more than two and half a miles within one hour, they shall be entitled to demand, in addition to the fare regulated by time in the said Schedule (B), for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the same Schedule. All and every the provisions of this Act, as to offences committed by or against the owners and drivers of Hackney Carrages, and the penalties in respect of the same and recovery thereof, and all the remedies by or against hirers, owners, or drivers of Hackney Carriages, and all and several the remedies given to hirers, owners, and drivers of Hackney Carriages, except the provision contained in Section XXXV, shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of Palankeens.

Property left in Carriages or Palankeens to be deposited at the Police Office.

L. The driver of every Hackney Carriage and bearers of every Palankeen within the limits of this Act, wherein any property shall be left by any persons, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest Police Station, and shall there deposit and leave the same with the Inspector or other Officer on duty. And any such driver or bearer making default herein, shall be liable to a penalty not exceeding fifty Rupees. And the said Officer with whom any such property shall be deposited, shall forthwith enter in a book, to be kept for that purpose, the description of such property, and the name and address of the driver or bearer who shall bring the same, and the day on which it shall be brought : and the property so entered shall be returned to the persons who shall prove to the satisfaction of the Commissioner of Police that the same belonged to him, such persons previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said commissioner shall award. Provided always that, if such property shall not be claimed by and proved to belong to some one within one year after the same shall have been deposited, the said Commissioner shall cause

such property to be sold or otherwise disposed of, and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

Adjudication of penalties.

LI. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed : and the provisions for the recovery of fines contained in Section LXI of Act XXV of 1861 *(the Code of Criminal Procedure)* shall apply to all fines and penalties imposed under this Act by any Magistrate in the Suburbs of Calcutta or in any Town or place to which this Act shall be extended as hereinafter provided ; and the provisions of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, entitled " the Calcutta Police Act, 1866," or any other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta. All penalties and fees to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal, from time to time, shall direct.

Disposal of penalties and fees.

Amends for frivolous complaints.

LII. In every case in which any complaint of any offence under this Act shall be laid or made before any magistrate, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the complaint, the Magistrate shall have power to award such amends, not exceeding twenty Rupees, to be paid by the complainant to the person complained aginst, or to the owner of a Carriage if summoned under Section XXXV of this Act, or to both, for their loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner provided for levying fines under this Act.

Interpretation.

LIII. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say):—

" Magistrate."

The word " Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any person lawfully exercising the full powers of a Magistrate in the Suburbs of the said Town or in any Town or place to which this Act shall be extended as hereinafter provided, and any Assistant to a Magistrate or Deputy Magistrate specially authorized by Government to exercise in the said Suburbs, Town, or place, the powers vested by this Act in a Magistrate.

"Hackney Carriage."

The words "Hackney Carriage" in this Act shall mean any Carriage used or intended to be used for conveying passengers for hire from any place in the Town of Calcutta or the Suburbs thereof : Provided always that the term "Hackney Carriage" shall not include any Carriage used wholly upon any Railway.

" State Carriage."

The words " Stage Carriage" in this Act shall mean any Hackney Carriage, the passengers in which shall be charged, or shall pay, separate and distinct fares, or shall be charged, or pay, at the rate of separate and distinct fares, for their respective places or seats therein, or conveyance thereby.

" Horse."

The term "Horse" shall include Mules and Ponies.

Number.

Words importing the singular number shall include the plural number, and and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include the feminine.

Power to extend the Act.

LIV. It shall be lawful for the Lieutenant-Governor of Bengal, by a notification to be published in the *Calcutta Gazette*, to extend the provisions of this Act to any other Towns or places within the Provisions under this control.

SCHEDULE (A).—*(referred to in Section XXVIII.)*

Rates and Fares to be paid for Hackney Carriages of the Second and Third Classes.

Description of Carriage.	Fare by Distance.		Fare by Time.			
	For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
Second Class.	6 Annas.	After the rate of 4 Annas for every mile and for any part of a mile over and above any number of miles completed.	12 Annans.	6 Annas.	2 Rupees.	3 Rupees.
Third Class.	3 Annas.	After the rate of 2 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas.	3 Annas.	1 Rupee.	1 Rupee 8 As.

. The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if uot otherwise expressed, the Fare to be paid according to time.

SCHEDULE (B).—*(referred to in Section XLVII.)*

Rates and Fares to be paid for Palankeens.

FARE BY DISTANCE.		FARE BY TIME.			
For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
3 Annas.	After the rate of 3 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas.	3 Annas.	1 Rupee.	1 Rupee 8 Annas.

The above Fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring ; if not otherwise expressed, the Fare to be paid according to time.

ACT No. VI of 1866.*

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 29th March 1866, and of the Governor-General on the 2nd April 1866.)

An Act to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council (An Act to vest the property of the Town of Calcutta and the management of its Municipal Affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town and for levying Rates and Taxes therein.)

1. *Certain Sections of Act VI of 1863, repealed.*
2. *Interpretation of "Bazar."*
3. *Time for holding Quarterly and Ordinary Meetings.*
4. *Business at Ordinary and Quarterly Meetings of Justices.*
5. *Owners of Carriages &c. to take out license.*
6. *(Repealed.)*
7. *Registry and numbering of hackeries.*
8. *Duty on professions, trades, and callings commenced after the beginning of the fiscal year.*
9. *Penalty for not taking out a license for exercising certain trades, &c.*
10. *Assessment of lighting rate.*
11 to 13. *(Repealed.)*
14. *Householder entitled to supply of water for domestic use.*
15. *Communication-pipes, &c., to be made of required dimensions and at expense of house holder.*
16. *What are domestic purposes.*
17. *Supply for business.*
18. *Communication-pipes, &c., must be made to satisfaction of Surveyor.*
19. *Pressure at which water must be kept.*
20. *Power to enter premises.*
21. *Water may be cut off on neglect to pay the rate.*
22. *Damaging works, or obstructing or diverting water.*
23. *Application of rates and monies received from the supply of water.*
25. *Remission of rate on houses and lands in case of vacancy.*
26. *After revision assessment book to be authenticated by the seal of the Justices. Rate assessed to be deemed the rate for three years.*
27. *Hearing appeals.*
28. *Information of birth to be given within eight days.*
29. *Penalty for non-observance of the provisions of Sections 104, 106 and 107 of Act VI of 1863.*
30. *Removal of night-soil.*
31. *Power to shut up, secure, clear, and clean deserted houses.*
32. *Filthy houses. Proviso.*
33. *Penalty for altering or making unauthorized drains leading into public sewers.*
34. *Group or block of houses, &c. may be drained by a combined operation.*
35. *Proviso to Sections 152, 157, and 159 of Act VI of 1863.*
36. *Supervision of works specified in Sections 152, 157, and 159 of Act VI of 1863.*
37. *Justices may define ways in Bazars. Penalty in case of obstruction.*
38. *Jute ware-houses must be registered.*
39. *New Jute warehouses must be licensed.*
40. *Fire not to be used in places where Jute is stored.*
41. *Inspector or Superintendent of Police may inspect Jute warehouses.*
42. *Act to be read with Act VI of 1863.*

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows :—

Certain Sections of Act VI of 1863, repealed.

I. Sections XIX. XXXVIII, XL, XLIV, LIII, LVIII, LIX, LXI, LXIII, LXIV, LXXIV, LXXVII, XCVIII, CXXI, CXLV, CXLVII, CLV, and CLXXXIII, of the said Act VI of 1863, are hereby repealed.

Interpretation of "Bazar."

II. The word "Bazar" shall include any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

Time for holding Quarterly and Ordinary Meetings.

III. There shall be four Quarterly Meetings in every year, and one Ordinary Meeting in every month, at which the Justices shall meet for the transaction of general business. The Quarterly Meetings shall be held at eleven o'Clock in the

* Act IX of 1867 is to be read with and taken as part of this Act.

forenoon of the fifteenth day of the months of January, April, July, and October, and the Ordinary Meetings at the same hour on the eleventh day of every month; and if any such day shall happen to be a holiday allowed by Government, then on the next succeeding day which shall not be such a holiday. Provided that no Ordinary Meeting need be called if there be no business to be laid before it by the Chairman or by any of the Justices.

Business at Ordinary and Quarterly Meetings of Justices.

IV. The Justices shall, at a Special Meeting to be convened for that purpose within fifteen days after this Act comes into operation, or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said Ordinary and Quarterly Meetings: and no business save such business, shall be transacted at such Meetings; Provided nevertheless that it shall be lawful for the Chairman to postpone the discussion of any question that may be raised at any such Meeting, and to refer the determination thereof to a Special or Special General Meeting to be convened within fourteen days thereafter.

Owners of Carriages to take out license.

V. The owner of every carriage, horse, pony, or mule kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the Office of the Justices, a statement in writing signed by him, containing a description of the vehicles and animals liable to the tax for which he desires to take out a license. The owner shall at the same time pay to the Justices such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the vehicles and animals specified in such statement, according to the rates given in Schedule A. to the said Act annexed. Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of a carriage, horse, pony, or mule so kept, shall, within a week of becoming so possessed, send to the Office of the Justices a similar statement, together with the amount payable for the unexpired portion of the then current half-year, calculated, according to the said Schedule, from the first day of the month in which such payment shall be made, unless he shall be able to prove to the satisfaction of the Justices that the tax for the half-year has previously been paid.

VI. Repealed by Act IX of 1867 of the Bengal Council.

Registery and numbering of hackeries.

VII. Every cart, hackery, and other wheeled vehicle without springs, kept and used within the Town, and every cart, hackery, and other such vehicle plying for hire within the Town, or let for hire within or without the Town, and used within it, shall be registered in the Office of the Justices with the name and residence of the owner, and shall have affixed thereto the number of such registration in such manner as the Justices shall direct. Any owner or driver of such cart, hackery, or other wheeled vehicle without springs, who shall fail to affix the number of registration as aforesaid, shall be liable to a fine not exceeding five Rupees. Provided that this Section shall not apply to or include carts, hackeries, or other such vehicles as aforesaid, kept at any place more than eight miles distant from Government House, and used only temporarily and casually in the Town, or to Conservancy carts, hackeries, or other such vehicles belonging to the Justices.

Duty on professions, trades, and callings commenced after the begining of the fiscal year.

VIII. Whereas by Section XLVII of the said Act VI of 1863, persons exercising the professions, trades, and callings specified in Schedule B, are liable to the annual duties therein mentioned: and whereas it is expedient, in cases of persons commencing the exercise of such professions, trades, or callings after the commencement of the fiscal year, to assess them to a proportionate part only of the annual duty; Be it therefore enacted that where any person, after the passing of this Act, shall commence to exercise any of the said professions, trades, or callings after the first day of January in any year, he shall for his license for that year (to be obtained previous to his so commencing such profession, trade, or calling) be liable to pay only such portion of the annual sum mentioned in the said Schedule, as shall be proportionate to the unexpired portion of the year, calculated from the first day of the month in which such payment shall be made.

Penalty for not taking out a license for exercising certain trades, etc.

IX. If any person within the Town shall exercise his profession, trade, or calling without having duly taken out a license as required by Section XLVII of the said Act, he shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding three times the amount which, in the Judgment of such Justice of the Peace, would have been payable by such person in respect of a license duly taken out as aforesaid for the entire year.

Assessment of lighting rate.

X. Whereas it is expedient to make better provision for the assessment of the rate for lighting the public streets: Be it enacted that it shall be lawful for the Justices to assess upon the occupiers of all houses, buildings, tenements, huts, and premises, within the limits of this Act, an annual lighting rate not exceeding two per centum upon the annual rent or value of such premises, together with their appurtenances. And such rate shall be payable quarterly.

Sections XI to XIII (Repealed by Act IX of 1867 of the Bengal Council.)

Householder entitled to supply of water for domestic use.

XIV. Every householder assessed to and paying the Water-rate, shall be entitled to have, free of further charge or assessment in respect of the same, a supply of water from the mains and pipes of the Justices for the domestic use of himself and his household.

Communication-pipes, etc., to be made of required dimensions and at expense of house-holder.

XV. Every person assessed to and paying the Water-rate shall be entitled to lay down communication pipes from the mains and pipes of the Justices, for bringing into his house a proper and sufficient supply of water for domestic purposes. The communication pipes leading the water from the mains and pipes of the Justices into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material, as the said Justices or their proper officer in that behalf shall fix and approve : and shall be made and constructed at the expense of the person requiring the same.

What are domestic purposes.

XVI. A supply of water for domestic purposes shall not include a supply of water for horses or for washing carriages where such horses or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for any ornamental or mechanical purpose.

Supply for business.

XVII. It shall be lawful for the Justices to supply water, at a rate nor exceeding one Rupee for every two thousand gallons supplied, for other than domestic purposes, and for trade, manufacturing, business, ornamental, or mechanical purposes, provided the person requiring such supply make application to the Justices in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed. And the Justices may thereupon, subject to such charges or rates as may be agreed upon between themselves and the person so requiring such supply, not exceeding the rate aforesaid, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be agreed upon between the Justices and the person requiring such supply, or, in the absence of such agreement, as may be fixed by the Justices.

Communication-pipes, etc, must be made to satisfaction of Surveyor.

XVIII. The communication-pipes and works leading water from the mains and pipes of the Justices into any house or premises, must in all cases be executed subject to the inspection and to the satisfaction of the Surveyor or other Officer to be appointed in that behalf by the said Justices. Such communication-pipes and works may be made by the servants and workmen of the Justices, upon such terms as may be agreed upon between the Justices and the person requiring the supply, or subject to such charges as may be fixed by the Justices ; and it shall be lawful for the Justices to require the amount necessary for the execution of such works to be paid or deposited before such works are executed ; and such charges and expenses shall be recoverable in the same way as the water-rate.

Pressure at which water must be kept.

XIX. The Justices shall at all times keep and maintain in their pipes and mains a sufficient supply of pure water for the use of the rate-payers, and for the other purposes for which such supply is required ; and shall at all times between the hours of five in the forenoon and eight in the afternoon maintain a pressure of water in the pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced, to a height of not less than fifty feet, and between the hours of eight in the afternoon and five in the forenoon, to a height of not less than ten feet.

Power to enter premises.

XX. The Surveyor, or any other person acting in that behalf under the authority of the Justices, may, between the hours of nine in the forenoon and five in the afternoon, enter into any house or premises supplied with water as aforesaid, in order to examine if there be any waste or misuse of such water ; and if such Surveyor or other person at any such time be refused admittance into such house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the Justices may turn off the water from such house or other premises.

Water may be cut off on neglect to pay the rate.

XXI. If any person supplied with water shall neglect to pay the water-rate at any of the times of payment thereof, the Justices may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the Justices may think fit, and may recover the expenses of cutting off the water from such person.

Damaging works, or obstructing or diverting water.

XXII. Whoever shall wilfully or carelessly break, injure, or open any lock, cock, main, or pipe belonging to or under the management or control of the Justices, or constructed, continued, or maintained under this Act, or shall unlawfully flush, draw off, divert, or take water from any water-works belonging to or under their management or control, or from any water or streams by which such water-works are supplied, shall for every such offence forfeit a sum not exceeding fifty Rupees, and a further penalty not exceeding twenty Rupees for each day during which the offence is continued after written notice in that behalf.

Application of rates and monies received from the supply of water.

XXIII. All rates and monies collected, received, or recovered for, or in respect of, the supply of water or the execution of works, and all penalties or forfeitures connected therewith, or in any respect relating to the water-supply, shall be applied by the said Justices in defraying the expense of making and maintaining the

said water-works, in paying the interest of money borrowed for the said water-works, and in the liquidation of debts incured connected therewith, or for some other purpose connected with the supply of water; and if any surplus should remain thereafter, then the same small be applied in reduction of the rates assessed for the supply of water.

XXIV.—(Repealed by Act IX, 1867 of the Bengal Council.)

Remission of rate on houses and lands in case of vacancy.

XXV. Where any house, building, or land whereon the rate under Section IV of the said Act VI of 1863 is assessed, has been vacant for sixty consecutive days during any year, the person assessed to the said rate, shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days, such house, building, or land has been vacant as aforesaid, provided notice shall have been given in writing to the Justices of such house, building, or land being vacant; and the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

After revision assessment book to be authenticated by the seal of the Justices.

Rate assessed to be deemed the rate for three years.

XXVI. After the appeals specified in Section LXXIII of the said Act VI of 1863 have been disposed of, and after the revision of the valuation or measurement and assessment has been completed, the amendments, if any, made in the book required to be kept by Section LXVIII of the said Act, shall be authenticated by the seal of the Justices; and thereupon, and subject to such alterations and amendments as may thereafter be duly made, the rate so assessed shall be deemed to be the rate for the whole three years for which the assessment is made, and this period shall be calculated from the commencement of the quarter succeeding that in which any such amendment shall be so authenticated.

Hearing appeals.

XXVII. Appeals against any rate assessed or demanded by the Justices under the provisions of this Act shall be heard and determined by not less than three Justices of the Peace. But no such appeal shall be heard unless the amount of the rate has been deposited with the Justices, and unless such appeal be preferred by the person who at the time the appeal is made shall be recorded in the said book as the owner of the premises to which such appeal refers, or by the occupiers thereof, or by their agents.

Information of birth to be given within eight days.

XXVIII. The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within eight days after the day of every such birth, give information to the Registrar of the District, according to the best of his or her knowledge and belief, of the several particulars by the said Act required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this Section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

Penalty for non-observance of the provisions of Sections 104, 106, and 107 of Act VI of 1863.

XXIX. Any person whose duty it may be to afford the information specified in Section CIV, or to fill in any form under Section CVI, or to act as an enumerator under Section CVII, of the said Act VI of 1863, who shall refuse or neglect so to do, shall be liable to a penalty not exceeding one hundred Rupees. Provided that it shall be the duty of the enumerator to fill up all Schedules or Returns for those who are unable to write.

Removal of night-soil.

XXX. The Justices, from time to time, may fix the hours within which only it shall be lawful to remove any night-soil or other offensive matter. When the Justices have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street any such offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Justices or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Justices, or who slops or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or who places or sets down in any public place any vessel containing such offensive matter, or who drives, or takes, or causes to be driven, or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street or by any route other than such as shall, from time to time, be by public notice appointed for that purpose by the Justices, shall be liable to a penalty not exceeding twenty Rupees for each offence.

Power to shut up, secure, clear, and clean deserted house.

XXXI. If any building or land, by reason of abandonment or of disputed ownership or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons, or become in a filthy or unwholesome state, or be complained of by any two or more of the neighbours as a nuisance, the Justices, after due enquiry, may cause notice in writing to be given to the owner, or to the person claiming to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concern-

ed therein, whoever they may be, to secure, enclose, clean, or clear, the same, and if such notice shall not be complied with within eight days, the Justices shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises, and shall be recoverable as by the said Act provided, or in case of abandonment or disputed ownership, by the sale of any material found upon such building or land, and the provisions of Section CXLIV of the said Act shall be applicable to such sales.

Filthy house.

XXXII. Whoever, being the owner or occupier of any house, building, or land within the Town, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees for every day during which the same is allowed to continue in such state, after the expiration of two days from notice in writing from the Justices to cleanse the same, or after he shall have been convicted of suffering the same to be in such state. Provided that the Justices may, in lieu of enforcing such daily penalty, enter on and clean and clear the said house, building, or land; and the expense incurred by the Justices in respect thereof shall be paid to them by the owner or occupier, and shall be recoverable as by the said Act provided.

Proviso

Penalty for altering or making unauthorized drains leading into public sewers.

XXXIII. Whoever, without the written consent of the Justices first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Justices by this Act, shall be liable to a penalty not exceeding two hundred Rupees, and the Justices may cause such branch-drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit; and all the expense incurred thereby shall be paid by the person making or altering such branch-drain, and shall be recoverable as by the said Act provided.

Group or block of houses, etc, may be drained by a combined operation.

XXXIV. If it appear to the Justices that a group or block of houses or buildings may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses or buildings, it shall be lawful for the Justices to cause such group or block of houses or buildings to be drained and improved by a combined operation, and the expenses incurred by the Justices in respect to such operation shall be chargeable to the owners of such houses or buildings, in such proportions as shall to the Justices seems fit, and shall, if not forthwith paid by such owners, be recoverable by the aid Act provided.

Proviso to Sections 152, 157, and 159 of Act VI of 1863,

XXXV. Sections CLII, CLVII, and CLIX of the said Act shall be read subject to the provision that the Justices themselves may construct and lay down such portions of the drains mentioned in the said Sections, as may be carried through or under any public drain, aqueduct or street, and the expenses incurred by the Justices in respect to such portions, if not forthwith paid by the owner, shall be recoverable as by the said Act provided.

Supervision of works specified in Section 152, 157, and 159 of Act VI of 1863.

XXXVI. It shall be lawful for the Justices to cause the works mentioned in Sections CLII, CLVII, and CLIX of the said Act to be supervised while in progress, and from time to time during their execution to order such reasonable alterations therein, additions thereto, and abandonment of parts or part thereof, as may to the Justices appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Justices may define ways in Bazars Penalty in case of obstruction.

XXXVII. It shall be lawful for the Justices of the Peace to define, fix, and determine what portions of any market or bazar within the limits of this Act shall be thrown into and made part of the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing or causing to be affixed in some conspicuous place or places in the market or bazar, a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways. The Justices may, by notice in writing to be served upon the owner, proprietor, or lessee of any such market or bazar, require him, within a time to be specified therein, to execute the necessary works and take all necessary measures, for the setting out, clearing, widening and maintaining of the said approaches, roads, paths, and ways. And in case the same be not accordingly set out, cleared, and widened at the expiration of the time specified in the said notice, the person so making default shall be liable to a penalty not exceeding twenty Rupees for every day during which such default continues thereafter. And further, it shall be lawful for the Justices, in case of such default by their servants and workmen to enter into and upon the said market or bazar, and to clear, set out, and widen the said approaches, roads, paths, and ways, and to recover from the person by whom the same ought to have been made the expenses thereof.

The Justices may from time to time vary and alter the said approaches, roads, paths, and ways, as occasion may require, signifying the same by a like notice. And whosoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a penalty not exceeding fifty Rupees, and to a further penalty not exceeding ten Rupees, for every day such obstruction or encroachment is continued after notice from the Justices to remove or discontinue the same.

Jute warehouses must be registered.

XXXVIII. The owner or occupier of every warehouse, store depôt, yard, or other place within the limits of this Act, used for the keeping, screwing, storing, or depositing of Jute, or in which Jute is stored or deposited, other than Jute screwed for shipment, shall, within three calendar months after this Act comes into operation, register or cause the same to be registered at the Office of the said Justices in a book to be kept by them for that purpose. And in case of default the person so neglecting or refusing to register the same, shall be liable to a penalty not exceeding one hundred Rupees for every day during which the offence is continued.

New Jute warehouses must be licensed.

XXXIX. After the passing of this Act, it shall not be lawful to use any warehouse, store, depôt, yard, or other place within the limits of this Act for the keeping or storing of Jute, other than jute screwed for shipment, unless, before the same is so used, a license for such use be obtained from the Justices: Provided that this Section shall not apply to warehouses, stores, depôts, yards, or places already used at the time this Act comes into operation for the keeping or storing of such Jute: Provided, nevertheless, if any such last mentioned warehouse, store, depôt, or place shall be burnt down and shall be re-built, it shall not be so used, for the keeping or storing of Jute, unless such license as aforesaid be previously obtained. Every person who, without such license, shall so use any warehouse, store, depôt, yard, or other place in cases in which a license ought to be obtained, shall be liable to a penalty not exceeding five hundred Rupees, and to a further penalty not exceeding fifty Rupees for every day during which any such warehouse, store, depôt, yard, or other place is so used without a license, after a conviction under this Section, or after written notice from the Justices to discontinue such use.

Fire not to be used in places where Jute is stored.

XL. Whoever shall introduce or use in any warehouse, store, depôt, yard, or place in which Jute is deposited or stored, other than only Jute screwed for shipment, any fire, or lucifer matches, or shall smoke therein, shall be liable to a penalty not exceeding fifty Rupees.

Inspector or Superintendent of Police may inspect Jute warehouses.

XLI. It shall be lawful for any Inspector or Superintendent of Police within the limits of this Act, at all convenient times, to enter into any such warehouse, store, depôt, yard, or place in which Jute is stored, and to inspect the same.

Act to be read with Act VI of 1863.

XLII. This Act shall be read with and taken as part of the said Act VI of 1863.

ACT No. VII of 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 14th April 1866, and of the Governor-General on the 30th idem.)

An Act to make better provision for the acquisition of land for Embankments, and other matters relating thereto.

1. Lands for embankments may be acquired under powers for acquiring land for public purposes.

2. Cost of land acquired for embankment where lands of different owners benefited.

3. Mode of inquiry as to the proportion chargeable to each estate.

4. No appeal from Collector's award: but one owner may recover from another who has not been assessed or who has been under-assessed.

5. Expenses of acquiring land, what included in.

6. Expense of sluice may be apportioned where lands of different owners benefited.

7. *Disposal of lands no longer required for embankments.*
8. *Collector may delegate any of his powers to a Deputy C*
9. *Act does not apply where obligation to provide d exists.*
10. *Interpretation Number. Gender. "Collector." "Owner of Estate."*

Preamble

WHEREAS it is expedient to make better provision for the acquisition of land required for Embankments, and for charging the expense thereof upon the owners of lands benifited thereby; Be it enacted:

Lands for embankments may be acquired under powers for acquiring land for public purposes.

I. When it shall be necessary for any Collector to acquire land for the purpose of constructing any public Embankment, or of extending or altering any embankment, the superintendence or charge whereof is vested in an Officer of Government, the provisions of Act VI of 1857 passed by the Governor-General of India in Council, entitled "An Act for the acquisition of land for Public Purposes," and of any other Act for the time being in force relating to the acquisition of land for public purposes, shall extend and apply to the acquisition of such land for the purpose aforesaid, so far as the same shall be applicable, and such Collector shall and may take and acquire such land, and assess compensation for the same, and do all other acts necessary for the acquisition thereof, by and under the powers and provisions of such Act or Acts so far as the same is or are applicable in that behalf; but no such declarations or orders by or on behalf of Government as are mentioned in Sections II and III of the said Act VI of 1857 shall be necessary or required. Any person to whom compensation has been awarded in respect of lands taken, shall be entitled to receive the same, together with interest after the rate of six per centum per annum from the time when the land was taken: Provided that notwithstanding any thing contained in Section VII, Clause I, of Act XXXII of 1855 passed by the Governor-General of India in Council, entitled "An Act relating to Embankments," it shall not be obligatory upon the Collector to pay to any person, nor shall any person have a right to a Civil suit for the recovery of any money in respect of compensation for lands taken, where the same is payable as hereinafter provided by the person whose lands are benefited, until and unless the Collector shall have received the same from such person.

Cost of land acquired for embankment where lands of different owners benefited.

II. In cases where lands the property of different owners will, in the opinion of the Collector, derive benefit from the construction, alteration, or extension of any public embankment, and it is necessary to acquire land for the purpose of such construction, alteration, or extension, it shall be lawful for such Collector to charge the cost of such land and the expense attending its acquisition upon the persons, so deriving such benefit in such proportions as in his opinion shall be equivalent to the benefit derived by their lands respectively. Before assessing such contribution, the Collector hall cause a notice to be served on each of such persons in which it shall be stated what land is being taken, and the purpose for which it is required, and that the lands of such person will derive benefit from the execution of the works, and giving him notice that an inquiry will be held, at a day and place to be named, for the purpose of apportioning amongst the persons whose lands will be benefited by the intended works, the cost of the land and the expense of acquiring it. In case such person does not reside within the district in which his lands are situate, the notice may be served upon his agent, or if he has no agent therein, it will be sufficient to affix the notice upon some conspicuous part of his estate.

Mode of inquiry as to the proportion chargeable to each estate.

III. On the day fixed in the notice, which shall not be less than one month later than the date of service of such notice, the Collector shall proceed to make the necessary inquiry for the determination of the proportion in which the estates affected by the construction, extension, or alteration of the embankment will be benefited thereby. In making this inquiry he shall receive such evidence as may be tendered by or on behalf of the owners of estates which may appear likely to be benefited by the construction, extension, or alteration of the embankment as aforesaid, and by and on behalf of any other persons who may claim to be interested in the said inquiry, and he may make or cause to be made such local investigation, and call for such documents, and examine such witnesses, as he may think necessary; and all the provisions of the law, for the time being in force, in regard to the examination of witnesses and production of documents in judicial proceedings, shall be applicable to inquiries conducted by the Collector under this Act.

No appeal from Collector's award: but one owner may recover from another who has not been assessed or who has been under-assessed

IV. The Collector shall and may, after such inquiry, make an award, in which he shall find and state the names of the persons whose lands will be, or are, benefited by the construction, alteration, or extension of such embankment, and the proportion of the cost of the land and the expense of its acquisition (including therein the cost of the said inquiry) which they ought respectively to bear. No appeal shall lie from the award of the Collector. But it shall be competent to the owner of any land assessed to a larger amount than his fair

proportion, to recover such excess in the Civil Court, from the owner of any land or estate benefited thereby upon whom no assessment has been made or a smaller amount has been assessed than ought to have been awarded against him; Provided that in such suit no more shall be required from any person than the amount to which he ought to have been assessed where he has not been required to contribute, or the amount by which the sum he was required to pay was less than his fair proportion where he has been required to contribute.

Expenses of acquiring land, what included in.

V. There shall be included in the expense of acquiring the land so to be distributed amongst the persons benefited, not only the compensation awarded to the owner of the land taken, including interest at the rate of six per centum per annum from the time when the land was taken, but also the cost of surveys and plans, of notices, of the said inquiry and award, and all other costs, charges, and expenses incident to obtaining possession of such land. The amount so awarded shall and may be recovered from the person so required to pay the same, in the same way and by the same means as arrears of Government Revenue.

Expense of sluice may be apportioned where lands of different owners benefited.

VI. When application has been made to the Collector under Section VIII of said Act XXXII of 1855 for the construction of a sluice in any public embankment, and in the opinion of the Collector lands the property of other persons as well as of the person making the application will be benefited by the construction of the sluice, the expense of such construction may be assessed upon and recovered from such persons in such shares or proportions as shall, in the opinion of the Collector, be equivalent to the benefit derived by their lands respectively. Provided, nevertheless, that notice in writing shall be served on all such persons, stating that it is proposed to make such sluice, the probable expense thereof, and that an inquiry will be held at a place and hour specified, for the purpose of apportioning the expense of such construction among the persons to be benefited thereby, and that such person is supposed to be likely to be benefited thereby. And such notice may be served, and such inquiry shall be held, and such award shall be made, subject to the same rules, powers, and provisos in all respects as is hereinbefore provided in the case of the apportionment of the cost of land required for embankments. And the said award shall be final: but a Civil suit may be brought to recover any excess with which any such person may be charged, from persons who ought to have been charged but have not been charged with any portion of the expense, or against whom less has been awarded than their fair proportion, as hereinbefore provided with respect to the apportionment of the cost of land.

Disposal of lands no longer required for embankments.

VII. Whenever in consequence of the construction or alteration of any public embankment, the maintenance of any other public embankment, or the retention of any land appropriated to the purposes thereof, may no longer be required, and the permanent relinquishment of the same may be deemed expedient by the Officer in charge of the embankments, it shall be lawful for the Collector to dispose of the site of the embankment or of the land so abandoned, by public sale; and all the provisions of the Law for the time being in force in regard to sales of land in default of payment of the Government revenue, shall be applicable so far as the same may be reasonably applied, to sales under the provisions of this Section. The proceeds of such sales shall, after the payment of all expenses incurred on account of the same, be applied to the payment of the cost of the new land taken up for embankment purposes, and in such case the residue only of the cost of such new land shall be apportioned among the owners of lands benefited as hereinbefore provided. Provided that it shall not be competent to the Collector to sell in the manner aforesaid any land which shall not have been taken up for embankment purposes under the provisions of this Act.

Collector may delegate any of his powers to a Deputy Collector.

VIII. A Collector may delegate any of his powers under this Act to a Deputy Collector, but from any order passed by a Deputy Collector to whom powers have been so delegated on appeal shall lie to the Collectors if presented within fifteen days of the date of the order.

Act does not apply where obligation to provide land exists.

IX. Nothing in this Act shall be held to exempt any person from the obligation of giving land gratuitously, or of paying for land taken up for the purpose public embankments, where such obligation exists by any law or custom.

Interpretation.

X. The following words and expressions shall have the several meanings hereby assigned to them, unless where a contrary intention appears from the context:—

Number.

Words in the singular number shall include the plural, and words in the plural shall include the singular.

Gender.

Words importing the masculine gender shall include females.

"Collector."

The word "Collector" shall include any Officer exercising, by authority of Government, the duties of a Collector of Land Revenue, by whatever name his office may be designated.

"Owner of Estate."

The word "Owner" shall include Zemindars, Holders of putnee-tenures or of any rent-free tenure, Dependent Talookdars, Soonderbun grantees, and Farmers or holders of tenures paying revenue direct to Government.

ACT No. VIII of 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 29th May 1866, and of the Governor-General on the same date.)

An Act to amend "The Calcutta Police Act, 1866."

Amendment of Section 26 of the Calcutta Police Act, 1866.

Preamble.

WHEREAS, by virtue of Section XXVI of "The Calcutta Police Act, 1866," the Magistrates are empowered (among other things) to try and convict summarily and impose punishment on persons charged with offences under Section 379 of the Indian Penal Code: And whereas, in consequence of the frequency of instances in which persons are brought before the Magistrates charged with trifling offences under Sections 380 and 381 of the Indian Penal Code, it is desirable to enlarge the summary powers of the Magistrates as regards such cases: Be it enacted as follows:—

Amendment of Section 26 of the Calcutta Police Act, 1866.

Section XXVI of "The Calcutta Police Act, 1866," shall be read as if after the words and figures "Theft under Section 379," the figures and word "380 and 381" had immediately followed; and this Act shall be taken and read as part of the said Act accordingly.

ACT No. IX of 1866.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th April 1866, and of the Governor-General on the 31st May 1866).

An Act for the more effectual punishment of persons resisting lawful apprehension or escaping from legal custody, after having been charged with or convicted of offences punishable only under some special or local law.

1. *Persons resisting apprehension or escaping from lawful custody under charge or conviction of offence under local law, to be punished.*
2. *The punishment is in addition to the punishment for the original offence.*
3. *Punishment of person offering resistance to lawful apprehension of other person charged with offence under local law, or rescuing such person.*

Preamble.

WHEREAS it is expedient to make provision for the more effectual punishment of persons resisting lawful apprehension or escaping from legal custody, where such persons have been charged with or convicted of offences punishable only under some special or local law: It is enacted as follows:—

Persons resisting apprehension or escaping from lawful custody under charge or conviction of offence under local law, to be punished.

I. If any person being charged with, or having been convicted of, an offence punishable under any special or local law, and which is not an offence punishable under the Indian Penal Code, shall intentionally offer any resistance or illegal obstruction to the lawful apprehension of himself for the offence with which he is so charged or of which he has been convicted, or shall escape or attempt to escape from any custody in which he is lawfully detained for such offence, he shall be punished with simple imprisonment or imprisonment with hard labor for a term which may extend to two years, or with fine, or with both.

11. The punishment in the preceding Section is in addition to the punishment to which the person to be apprehended or detained in custody was liable for the offence under the special or local law with or of which he was charged or convicted.

The punishment is in addition to the punishment for the original offence.

111. Whoever intentionally offers any resistance to the lawful apprehension of any other person for an offence punishable under any special or local law and not punishable under the Indian Penal Code, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained for any such offence as aforesaid, shall be punished with simple imprisonment or imprisonment with hard labor for a term which may extend to two years, or with fine, or with both.

Punishment of person offering resistance to lawful apprehension of other person charged with offence under local law, or rescuing such person.

ACT No. X OF 1866.*

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th April 1866, and of the Governor-General on the 4th June 1866.)

An Act for the Improvement of the Port of Calcutta.

1. Interpretation. "*Justices.*" "*Vessel.*" "*Land.*" "*Pier.*" "*Wharf.*" "*Goods.*" "*Port.*" *Number.*
2. Who shall be Trustees.
3. The Committee of Justices.
4. Constitution of Committee.
5. Vice-Chairman of Committee.
6. Proceedings not to be invalidated by vacancy or informality of appointment.
7. Disqualification of Member of Committee.
8. Vacancy in Committee how filled up.
9. Acting Member may be appointed during absence of Member of Committee.
10. Salaries and Fees of Chairman, Vice-Chairman, and Members of Committee.
11. Committee may appoint Sub-Committees.
12. Appointment and remuneration of Secretary, Engineer, &c.
13. Penalty on Officers, &c., being interested in contracts, &c.
14 to 27. (Repealed).
28. Powers of the Justices as to property.
29. Power to contract.
30. Mode of executing contracts.
31. Committee may compound for breaches of contract, &c.
32. Acquisition of land.
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43. A Budget or Estimate of Income and Expenditure to be submitted annually to the Justices.
44. Budget of Expenditure.
45. Revision and passing of Estimates. No new work, the estimated cost of which exceeds 50,000 Rupees, to be commenced without the sanction of Government.
46. Accounts to be audited and examined. Proviso.

* Act IV of 1869 of the Bengal Council to be read with and as part of this Act.

47. Sea-going vessels may be ordered by Conservator of Port, on requisition of Justices, to resort to wharf for receiving or discharging cargo.
48. After Notification, all goods must be landed and shipped from and upon sea-going vessels at the wharves of the Justices.
49. After Notification, boats and country vessels prohibited from landing or shipping goods within prescribed limits, except at a wharf of the Justices.
50. Penalties in case of boats or inland country vessels landing goods or mooring within prohibited limits.
51. When wharves completed, inland country vessels must land and ship cargoes at wharves.
52. Public landing places to be provided.
53. Ghauts and bathing-places to be provided,
54. Wharves, &c., to be appointed under Customs Act.
55. Justices bound to provide servants, &c. for shipping and landing goods.
56. Tolls to be levied.
57. Recovery of tolls in arrear.
58. Goods may be removed to Public Warehouses.
59. Lien for freight preserved after landing of goods, if notice of lien given.
60. Discharge of lien by payment or release.
61. If tolls not paid or the lien for freight is not discharged, goods may be sold after the expiration of two months.
62. Port clearance to be withheld if mooring charges unpaid.
63. Port Act to extend to Lieutenant-Governor's Regulations under this Act.
64. Penalty for infringing Regulation of Local Government.
65. Compensation for damage to the property of the Justices.
66. Penalty for damage done to the works, &c.
67. Penalties how recoverable.
68. Justices empowered to make Bye-laws.
69. Confirmation of Bye-laws.
70. Bye-laws and Tables of tolls to be exhibited.
71. Notice of action.
72. Government may order a local survey.
73. Government may restore or complete works.
74. Government may take possession and revoke powers of Justices.

Preamble.

WHEREAS it is expedient that provision should be made for the construction and maintenance of warehouses, embankments, wharves, quays, jetties, piers, tramways, and other works in the Port of Calcutta, and for raising the funds necessary for such construction and maintenance, and for imposing tolls and rates on vessels and on goods landed and shipped ; It is enacted as follows :—

Interpretation.

I. The following words and expressions shall have the meanings hereby assigned to them, unless where a contrary intention shall appear from the context :—

"Justices."

The word " Justices" shall mean " The Justices of the Peace for the Town of Calcutta" incorporated under Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council.

"Vessel."

The word " Vessel" shall mean any ship, barge, boat, raft, or craft, or any other kind of vessel whatever, whether navigated by steam or otherwise.

"Land."

The word " Land" shall include the bed of the river below high-water mark.

"Pier."

The word " Pier" shall include a floating pier.

"Wharf."

The word " Wharf" shall include any bank or wall adjoining the river.

"Goods."

The word " Goods" shall include wares and merchandize of every description.

"Port."

The word " Port" shall mean the Port of Calcutta as at present, and from time to time to be, defined by declaration made by the Government of Bengal under Sections III and IV of Act XXII of 1855 (*for the regulation of Ports and Port-dues.*)

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Who shall be Trustees.

II. The Justices shall be the Trustees for the carrying out of the purposes of this Act. Provided that all property vested in or acquired by the Justices under or by virtue of this Act, and all moneys raised by or payable to them under or by virtue of this Act, shall be held in trust and be applied for the purposes of this Act, and not otherwise.

The Committee of Justices.

III. The immediate administration of the powers and trusts created and declared by this Act shall be vested in a Committee of the said Justices, who shall be nominated and appointed as hereinafter provided, and who shall be styled " The Committee of Justices for the Improvement of the Port of Calcutta." Wherever the term " Committee" is hereinafter used or employed such term shall signify the said Committee of Justices for the Improvement of the Port of Calcutta.'

Constitution of Committee.

IV. The Committee shall consist of ten Members, of whom the Chairman of the Justices shall always be Chairman; five others of such Members shall be elected by the Justices at a Special General Meeting; and the first of such elections shall be held and take place within a month after the passing of this Act; and the remaining four of such Members of the Committee shall be nominated and appointed from among the said Justices by the Lieutenant-Governor of Bengal.

Vice Chairman of Committee.

V. The Committee shall, at a Meeting to be held within one month from the time of their appointment, nominate from among themselves a proper person to be Vice-Chairman of the Committee. Such nomination shall be subject to the approval of the Justices at a Special General Meeting. In the event of any nomination made by the Committee not being approved of by the Justices or of any vacancy occurring in the office of Vice-Chairman, the Committee shall forthwith proceed at a Meeting to make a fresh nomination and appointment, subject to the approval of the Justices, and so on from time to time. Such Vice-Chairman shall be removeable by the Justices by a Resolution in favor of which not less than two-thirds of the Justices present at a Special General Meeting shall have voted.

Proceedings not to be invalidated by vacancy or informality of appointment.

VI. No act or proceeding of the Committee shall be invalidated or illegal in consequence only of there being a vacancy in the number of Members of the Committee at the time of doing or executing such act or proceeding. And all proceedings of the Committee or of any person acting as a Member thereof in the *bonâ-fide* belief that he was duly appointed and qualified, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of the Members of the Committee or person acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Member of the Committee.

Disqualification of Member of Committee.

VII. Every person who at any time after his election or appointment as a Member of the Committee shall be absent from six consecutive Meetings without having the permission in that behalf of the Committee, or who having such permission shall be absent from the Meetings for a period exceeding a year, and every person who at any time after his election as such Member shall accept or agree to accept any office or place of profit under this Act, except the office of Vice-Chairman of the Committee, or who shall participate or agree to participate in the profits of any work done by order of the Justices under this Act, or be concerned or participate in the profits of any contract entered into with the Justices under this Act, shall thenceforth cease to be a Member of the Committee, and his office shall thereupon become vacant. Provided always that no Member of the Committee shall vacate his office by reason only of his being a Shareholder in any Registered Company with which the Justices may enter into any contract, or by reason of his being interested in any loan of money to the Justices.

Vacancy in Committee how filled up.

VIII. Upon any vacancy occurring by the death or resignation of any Member of the Committee or by any Member becoming disqualified, such vacancy shall forthwith be filled up by the election of a new Member by the Justices at a Special General Meeting, in case the Member so dying, resigning, or becoming disqualified was a Member elected by them, or in case such Member was a Member nominated by the Lieutenant-Governor, then by the nomination and appointment by the Lieutenant-Governor of a new Member from among the Justices.

Acting Member may be appointed during absence of Member of Committee.

IX. When any Member of the Committee shall depart from Calcutta with an intention of being absent for a longer period than three months, or where any such Member shall have been so absent for a period exceeding three months, it shall be lawful for the Committee to elect and appoint any Justice to act in the place and room of such absent Member until he shall return to Calcutta or until he shall cease to be a Member under the operation of Section VII of this Act by continued absence.

Salaries and Fees of Chairman, Vice Chairman, and Members of Committee.

X. It shall be lawful for the Justices from time to time, subject to the approval of the Lieutenant-Governor, to determine whether any and what salaries and allowances shall be paid to the Chairman and Vice-Chairman of the Committee, and whether any and what fees shall be paid to the Members of the Committee for attendance at Meetings for transaction of the business of the Trust. Provided that, at the time of determining the fees to be paid as aforesaid, the Justices shall, subject to the same approval, declare the conditions under which such fees shall be payable.

Committee may appoint Sub-Committee.

XI. The Committee may, from time to time, by Resolution passed at a Meeting, appoint Sub-Committees of their number for carrying into effect any part of the provisions of this Act, with such powers, and under such instructions, directions, or limitations, as by such Resolution shall be defined, and on any such Sub-Committee three Members shall be a quorum, and the Committee shall have power to alter or discontinue any such Sub-Committee.

Appointment and remuneration of Secretray, Engineer, &c.

XII. The Committee may, from time to time, appoint a Secretary, and such Engineers, Surveyors, Collectors, Clerks, Subordinate Officers, and Servants, as they shall think necessary and proper to assist in the execution of this Act, and may, from time to time, suspend or remove any of such persons and appoint others in their place; and may, with the sanction of the Justices at a Meeting, pay such allowances to the said persons respectively, or in case of absence on leave such portion thereof, as they shall think reasonable.

Penalty on Officers, &c., being interested in contracts, &c.

XIII. *Clause* 1.—No Chairman or Vice-Chairman of the Committee, or Officer or Servant of the Justices under this Act, shall be in any wise concerned or interested in any contract or work made with or executed for the Justices under this Act; and if any such Chairman or Vice-Chairman, or other Officer or Servant, be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment under the Justices, and shall forfeit and pay the sum of five hundred Rupees, which may be recovered by suit by any person with full costs of suit: Provided that no person being a shareholder of any Joint Stock Company established by or under the provisions of any Act of Parliament, or of the Government of India, or by Charter, shall be prevented from being employed as a Chairman, Vice-Chairman, or other Officer or Servant by reason of any contract between such Company and the Justices under this Act, or of any work executed by such Company.

Clause 2, If any person employed under this Act, not being a Public Servant within the meaning of Section 21 of the Indian Penal Code, shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person with the Justices or committee, or with any Public Servant, or with the Government, as such, he shall be liable to the same punishment as is in that behalf provided by the said Section 21 of the Indian Penal Code in the case of Public Servants.

XIV to XXVII.—Repealed by Act IV. of 1869 of the Bengal Council.

Powers of the Justices as to property

XXVIII. The Justices in their Corporate capacity shall for the purposes of this Act have power to acquire and hold immoveable or moveable property, whether within or without the limits of the Port, by conveyance lease, assignment, or sale from the Governor-General in Council or Lieutenant-Governor of Bengal on behalf of the Secretary of State for India in Council, or any Corporate body, or any Registered Joint Stock Company, or private person, and they shall also have power to lease, and with the sanction of the Lieutenant-Governor to sell, any immoveable property which may have become vested in or been acquired by them but which is no longer required for the purposes of this Act.

Power to contract.

XXIX. The Committee may enter into contracts on behalf of the Justices with any body Corporate, Registered Joint Stock Company, or private person, for the execution or supply by them or him of any works, labor, materials, machines, stores, or for other matters necessary for carrying into effect the Trusts and purposes of this Act.

Mode of executing contracts.

XXX. Instruments and contracts on behalf of the Justices under this Act may be made and executed as follows:—

1.—Any instrument or contract which, if made between private persons, would by English law be required to be in writing under seal, shall be made by the Justices in writing under their common seal, and in the same way shall be altered, rescinded, or released.

2.—Any instrument or contract which, if made between private persons, would require by English law to be in writing signed by the party to be charged therewith shall be signed on behalf of the Justices by the Chairman, or, in his absence, by the Vice-Chairman, and by two Members of the Committee, and in the same way shall be altered or rescinded.

3. Any contract which, if made between private persons, might by English law be made verbally, may be made verbally on behalf of the Justices by the Chairman, or, in his absence, by the Vice-Chairman, and by two Members of the Committee, and in the same way may be altered or rescinded.

Committee may compound for breaches of contract, &c.

XXXI. It shall be lawful for the Committee, by Resolution passed at a Meeting, to resolve to compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under the authority of this Act, or in respect of any action or suit instituted by or against them, for such sum of money or other compensation as they shall deem sufficient.

Acquisition of land.

XXXII. When the Justices are unable to acquire by agreement any land or building required for the purposes of this Act, the Government of Bengal in its discretion may declare that the land or building is needed for a public purpose,

and may order proceedings for obtaining possession of the same for Government and for determining the compensation to be paid to the parties interested, according to any law in force for the acquisition of land for public purposes. Such land or building when acquired shall be conveyed to the Justices, on their paying the compensation awarded and all costs connected therewith.

General nature of the works under the Act.

XXXIII. The works and arrangements to be constructed and carried out by the Justices under the provisions of this Act may include :—

(i.) Wharves, quays, stages, jetties, and piers, within the Port, with all necessary and convenient arches, drains, landing-places, stairs, and approaches.

(ii.) Tramways, warehouses, and sheds for the conveying, receiving, and storing of goods and merchandize landed or to be shipped.

(iii.) The laying down of moorings and the erection of cranes, scales, and all other necessary means and appliances for loading and unloading vessels.

(iv.) The reclaiming, enclosing, and raising any part of the river bed within the Port and below high-water mark which may be necessary for the execution of the works authorized by this Act.

(v.) The construction and application of dredges and other machines for cleaning and improving the river bed within the aforesaid limits.

(vi.) The construction of such works without the limits of the Port as shall be necessary for the protection of works executed under this Act.

Justices to submit a general scheme of proposed works.

XXXIV. Within six months from the passing of this Act, or such further time as the Lieutenant-Governor of Bengal shall in that behalf allow, the Justices shall submit to the Lieutenant-Governor a written scheme or proposal, with the necessary plans, sections, and elevations, exhibiting the general character of the works, constructions, machines, and arrangements proposed by the Justices for the improvement of the Port, and the estimated cost of such improvements so far as such cost can be fairly estimated without going into minute details. Until the scheme or proposal so submitted shall have received the approval of the Lieutenant-Governor of Bengal, the Justices shall not, except with the express sanction in each case of the Lieutenant Governor of Bengal, have power to commence any works or acquire any immoveable or moveable property under this Act.

Lieutenant-Governor to enquire and approve of scheme.

XXXV. It shall be lawful for the Lieutenant-Governor of Bengal, in his discretion, to appoint a Commission of one or more persons, to enquire into the general nature and object of the said scheme, its probable utility and cost, and any other matter connected with the said scheme on which the said Lieutenant-Governor shall desire to be satisfied.

Variations and additions in scheme.

XXXVI. If any variations, omissions, or additions from or to the proposed scheme are required by the Government, the same shall be adopted by the Justices, and when the said scheme or proposal as submitted, or subject to such omissions, alterations, or additions, shall have received the final approval of the Lieutenant-Governor of Bengal, the general character of the scheme as approved, its general cost, and the fact of its approval by the Lieutenant-Governor of Bengal, shall be notified in the Calcutta Gazette, and thereafter the Justices shall have power to acquire property and to raise money as hereinafter mentioned.

Subsequent variations and additions.

XXXVII. If and whenever after the approval and notification as aforesaid of the general scheme, it shall be found desirable to carry out any variation therefrom or addition thereto, a written scheme or proposal for such variation or addition, with the necessary plans, sections, and elevations, and an estimate of the cost, shall be submitted by the Justices to the Lieutenant-Governor of Bengal, who shall have the same power and discretion in regard thereto as in regard to the general scheme, and such variation or addition shall, when and as approved, be notified in the Calcutta Gazette. Provided that any variation or addition in matters of mere detail and involving a difference of expense from the originally estimated cost of not more than fifty thousand Rupees, may be carried out by the Justices without submitting the same to the Lieutenant-Governor of Bengal, anything hereinbefore contained notwithstanding.

Money to be raised on debentures.

XXXVIII. After such notification as aforesaid has been published, it shall be lawful for the Justices from time to time to raise money for the estimated cost of the works and arrangements proposed and approved on debentures bearing interest, which shall be a first charge on all property acquired by the Justices for the purposes of this Act, and on all tolls, duties, rates, and charges leviable under this Act; and it shall be lawful for the said Justices at any time or times to raise the additional moneys (if any) required for the carrying out of any variations or additions under the last preceding Section, by the issue of further debentures to be a charge as aforesaid on the tolls, duties, rates, and charges leviable and property acquired under this Act. Provided that the amount of debentures issued or advertized at any one time, and the terms on which the same are issued, shall be subject to the approval of the Lieutenant-Governor of Bengal, and that the total

amount of outstanding debentures under this Act shall not at any time exceed the sum of one and a halfCrores of Rupees.

Application of funds raised on debentures.

XXXIX. All the moneys raised on debentures shall be applied by the Justices in the acquisition of immoveable and moveable property, the payment of salaries, fees, and expenses, and of interest on debentures, and of the cost of works and erections necessary or expedient for carrying out the purposes of this Act.

Application of surplus income.

XL. Whenever the half-yearly accounts directed to be laid before the Justices shall show a surplus for the half-year of income over expenditure, such surplus or so much thereof as the Justices shall think fit, may be applied by them in paying off the debentures issued under this Act, or such surplus may in whole or part be invested by the Justices in the purchase in their Corporate name of Government Securities, and the interest thereof may be accumulated and invested in like manner, with power to the Justices at any time to dispose of any such Securities, and to apply the proceeds and interest thereof in paying off debentures, or towards any of the other purposes of this Act.

Form of debenture.

XLI. All the debentures issued under the authority of this Act shall be in the form contained in the Schedule (A) to this Act, and shall be transferable by endorsement, and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Payment of debentures by fresh mortgage of rates.

XLII. The Justices may at any time, with the approval of the Lieutenant-Governor of Bengal, raise, by the issue of new debentures, any money that may be required to pay the amount for the time being due on any debentures issued in pursuance of this Act.

A Budget or Estimate of Income and Expenditure to be submitted annually to the Justices.

XLIII. At a Special General Meeting to be held in the month of November in each year, the Chairman shall lay before the Justices a separate Budget or Estimate, prepared by the Committee, of the expenditure and income of the Trust under this Act for the year commencing on the 1st of January then next succeeding, in such detail and form as the Justices shall from time to time, by order passed at a Meeting, direct. Provided always that such Budget shall be completed and printed, and a copy thereof sent by post or otherwise to each of the Justices resident within twenty miles of Government House, at least seven clear days prior to the Meeting before which the Budget is to be laid.

Budget of Expenditure.

XLIV. The Budget shall show what expenditure it is proposed to incur for the purposes of this Act during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Revision and passing of Estimate.

XLV. It shall be in the discretion of the Justices to pass, or to reject, or to modify, the estimates of all or any sums entered in the Budget. No new work or series of works the entire estimated cost of which, as shewn in the Budget, shall exceed fifty thousand Rupees, shall be commenced without the sanction of the Lieutenant-Governor having been previously obtained.

No new work, the estimated cost of which exceeds 50,000 Rupees, to be commenced without the sanction of Government.

Accounts to be audited and examined.

XLVI. The accounts of the receipts and expenditure under this Act, shall be audited and examined twice in every year for the purpose of being laid before the half-yearly Meetings under Section XV of this Act. The audit shall be made by such auditors as shall from time to time be appointed by the Lieutenant-Governor of Bengal. For the purposes of any audit and examination of accounts under this Act, the Auditors may, by summons in writing, require the production before them of all the books, deeds, contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same: and if any such person neglect or refuse so to do, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a penalty not exceeding one hundred Rupees. All Auditors acting under this Act shall, in respect of each audit, be paid by the Justices such reasonable remuneration as the Lieutenant-Governor of Bengal shall from time to time determine:

Proviso.

Provided always that before each audit and examination of accounts under this Act, the Chairman shall give ten days' notice of the time and place at which the same will be made, by advertisement in the English Government Gazette, and in at least two of the daily English Newspapers published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the Office of the

Justices, and be open during Office hours thereat to the inspection of all persons interested, for seven days before the audit and examination, and all such persons shall be at liberty to take copies of or extracts from the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the Auditors shall report upon the accounts audited and examined, and shall deliver such report to the Justices at a Meeting, who shall cause the same to be deposited in the Office of the Justices, and to be published in the Calcutta Gazette and in some one or more of the said Newspapers.

Sea-going vessels may be ordered by Conservator of Port, on requisition of Justices, to resort to wharf for receiving or discharging cargo.

XLVII. As and when any wharf, quay, stage, jetty, or pier erected under the provisions of this Act shall have been made and completed, together with such sufficient warehouses, sheds, cranes, and moorings for landing and shipping goods from and upon sea-going vessels, it shall be lawful for the Lieutenant-Governor of Bengal to declare, by publication of notice to that effect in three consecutive numbers of the Calcutta Gazette, that such wharf, quay, stage, jetty, or pier is ready for receiving, landing, and shipping goods from and upon sea-going vessels. And from and after such notification and publicatioc it shall be lawful for the Chairman of the Committee, or the proper Officer of the Justices in that behalf, to call upon the Conservator of the Port from time to time when there shall be room at such wharf, quay, stage, jetty, or pier, to order any vessel he may think fit alongside of the said wharf, quay, stage, jetty, or pier, for the purpose of being laden or unladen by the Justices. And it after such order of the Conservator of the Port the Owner or Master of any such vessel shall either take in or discharge cargo, save and except at such wharf, quay, stage, jetty or pier, to which such vessel shall have been so ordered, the Owner, or Master thereof shall be liable to a penalty of one hundred Rupees for each day that he or they shall land or ship, or attempt to land or ship, any goods in contravention of such order.

After Notification, all goods must be landed and shipped from and upon the wharves of the Justices.

XLVIII. When a sufficient number of wharves, quays, stages, jetties, and piers, shall have been erected under this Act for the landing and shipping of the cargoes of all sea going vessels resorting to the Port, it shall be lawful for the Lieutenant-Governor of Bengal to order, by publication of such order for one month in the Calcutta Gazette, that no goods shall be landed or shipped from or upon any sea-going vessel within the Port, save at such wharves, quays, stages, jetties, and piers. And whoever shall, after such order has been so notified as aforesaid, land or ship, or attempt to land or ship, any goods in contravention of such order, shall be liable to a fine not exceeding two hundred Rupees for every day that he shall so land or ship any goods in contravention of the said order. Provided always, and it is hereby declared, that notwithstanding any thing in this or the 51st Section contained, it shall be lawful for the Lieutenant-Governor of Bengal, by notice in the Calcutta Gazette from time to time, if he shall so think fit, to declare that certain specified vessels, goods, or cargoes, or class of goods or cargo, shall be permitted to be landed or shipped elsewhere and at such part of the Port of Calcutta, and for such time, as he may think fit.

After Notification, boats and country vessels prohibited from landing or shipping goods within prescribed limits, except at a wharf of the Justices.

XLIX. As and when any wharf, quay, stage, jetty, or pier, for the receiving, landings or shipping of goods from boats and inland country vessels shall have been made and completed with all proper appliances in that behalf, it shall be lawful for the Lieutenant-Governor to declare, by publication of the same in three consecutive numbers of the Calcutta Gazette, that such wharf, quay, stage, jetty, or pier is ready for the receiving, landing, and shipping of goods from boats and inland country vessels, and in the same way to order that within certain prescribed limits to be specified in that behalf, it shall not be lawful to land or ship any goods out of or into any such boat or inland country vessel except at such wharf, quay, stage, jetty, or pier. After such publication as aforesaid, it shall not be lawful for any boat or inland country vessel to land or ship any goods at any place within the limits so specified, except at such wharf, quay, stage, jetty, or pier; nor for any such boat or inland country vessels, while within such limits, to anchor, fasten, or lay within fifty yards of the ordinary low-water mark without the consent of the Justices. And if, after such notification and publication, any boat or inland country vessel shall, while within such limits, so anchor, fasten, or lay, it shall be lawful for the Officers of the Justices in that behalf to remove or cause the same to be removed out of the said limits.

Penalties in case of boats or inland country vessels landing goods or mooring within prohibited limits.

L. If the owner, manjee, or person in charge of any boat or inland country vessel shall, after such notification and publication as in the last preceding Section mentioned, land or ship any goods from or into any such boat or inland country vessel at or upon any place within the said limits, except at, upon, or from the said wharf, quay, stage, jetty, or pier, he shall be liable to a penalty of thirty Rupees for each day upon which any goods shall be so landed or shipped. And if any such owner, manjee, or person in charge of such boat or vessel shall anchor or fasten his boat or vessel, or shall lie within the said limits at a distance not exceeding fifty yards

of the ordinary low-water mark, except with the consent of the Justices, and shall neglect or refuse to remove his boat or vessel out of the said limits, when lawfully required so to do, he shall be liable to a penalty of fifty Rupees. And in addition to the said penalties the Justices may seize and detain any such boat or inland country vessel until the said penalties respectively shall be paid.

When wharves completed, inland country vessels must land and ship cargoes at wharves.

LI. When and so soon as a sufficient number of wharves, quays, stages, jetties, and piers shall have been erected under this Act for the landing and shipping of the cargoes of inland country vessels frequenting the Port of Calcutta, it shall be lawful for the Lieutenant-Governor, by notice published in three consecutive numbers of the Calcutta Gazette, to order that no goods shall be landed or shipped from or into any such inland country vessel within the Port of Calcutta, save at such wharves, quays, stages, jetties, and piers. And whoever shall, after the same has been so notified as aforesaid, land or ship or attempt to land or ship any goods from or upon any such inland country vessel in contravention of such order, shall be liable to a penalty of thirty Rupees for each and every day that he shall so land or ship any cargo from or upon any such inland country vessel.

Public landing places to be provided.

LII. The Justices shall make a sufficient number of public landing places in and upon which the public shall be permitted to land free of charge the following articles—that is to say, bricks, tiles, lime, soorkee, firewood, bamboos, hay, straw, vegetables, fruits, meat, and market produce. And the Justices shall make, and may from time to time alter and vary, such Regulations and Bye-laws for the use of the said public landing places, the time during which goods shall be allowed to remain thereon, and the removal of goods landed thereon, as they shall think fit. Provided nevertheless that such Regulations and Bye-laws shall be approved of by the Lieutenant-Governor of Bengal.

Ghauts and bathing-place to be provided.

LIII. It shall be lawful for the Justices, if they shall consider it necessary for the purposes of this Act, to occupy or remove any bathing ghaut or landing-place within the Port, and to prohibit the public from afterwards resorting to or using the same. Provided nevertheless that the Justices shall reserve, set out, make, and provide for the use of the public such sufficient bathing ghauts within the Port as shall be required for the convenience of the public, and as shall be approved of by the Lieutenant-Governor of Bengal.

Wharves, &c., to be appointed under Customs Act.

LIV. When the Lieutenant-Governor of Bengal shall, under Section X of the Consolidated Customs Act, appoint any wharf, quay, stage, jetty, or pier, erected under this Act for the use of sea-going vessels, to be a wharf for the landing and shipping of goods within the meaning of that enactment, the Justices shall set apart, maintain, and secure on any such wharf, quay, stage, jetty, or pier, such portion thereof or place therein or adjoining thereto for the use of the Officers of Customs as the Lieutenant-Governor shall in that behalf approve or appoint.

Justices bound to provide servants, &c. for shipping and landing goods.

LV. After the publication of the order in Section XLVIII hereinbefore mentioned, the Justices shall provide and at all times keep and maintain sufficient servants, and apparatus, for the expeditious and convenient landing and shipping of goods from and upon all sea-going vessels coming to the wharves, quays, stages, jetties, or piers, and shall by their servants land and ship all goods from and upon any such vessel so coming to such wharf, quay, stage, jetty, or pier, unless where there is a legal excuse for refusing to land or ship such goods, or such vessel is by reason of the breach or non-observance of any law or regulation not entitled to have her cargo shipped or discharged. Provided that the Justices shall not be bound to land, ship, or move any single article or package exceeding thirty tons of twenty hundred weight in weight, except at such special charge as may be agreed on in respect of such article or package.

Tolls to be levied.

LVI. The Committee shall from time to time frame a scale of tolls, dues, or rates for the landing and shipping of goods at the wharves, quays, stages, jetties, and piers erected under this Act for the use of sea-going vessels, and for the storing and keeping of any goods stored in any premises belonging to the Justices, and for the removal of goods, and for the use of any moorings laid down by the Justices. And also a scale of tolls, dues, and rates for the landing and shipping of goods into and out of any country boat or vessel, and also a scale of tolls for the use of the said wharves, quays, stages, jetties, and piers by any boat or inland country vessel, in case the Justices shall permit the goods to be landed or shipped by others than their own Officers and servants. Such scale of tolls, dues, and rates shall be submitted to the Lieutenant-Governor, and after receiving his approval shall be published in the Calcutta Gazette, and may from time to time, subject to the like approval and publication, be altered. Provided always that it shall not be lawful for the Justices to levy any tolls, dues, or rates, or mooring charges on a scale higher than that given in Schedule B to this Act.

Recovery of tolls in arrear.

LVII. For the amount of all tolls, charges, dues, and rates duly leviable under this Act in respect of any goods, the Justices shall have a lien on such goods, and shall be entitled to detain the same until such tolls, rates, and dues are fully paid. Tolls, rates, and dues in respect of goods to be landed shall become payable immediately on the landing of the goods. Tolls, rates, and dues in respect of goods to be removed from the premises of the Justices or to be shipped for export, shall be payable before the goods are removed or shipped. The lien for such tolls, rates, and dues shall have priority over all other liens and claims, except for general average, the shipowner's lien for freight upon the said goods where such lien exists and has been preserved in the manner hereinafter provided, for primage, and for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force. Provided that nothing in this Act shall affect any power or authority vested in the Chief Officer of Customs under any law for the time being in force.

Goods may be removed to Public Ware-houses.

LVIII. In any case in which goods without any default on the part of the Justices shall have been left for three days on any wharf or shed belonging to the Justices, it shall be lawful for the Committee to remove or cause the same to be removed either to any warehouse belonging to them or to the Public Warehouses, at the expense of the owners of the said goods, giving notice to the consignee or owner of such goods of such removal if the address of such consignee or owner is known, by letter left at such address or sent by post; and the consignee or owner of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods shall be removed to any warehouse, or store of the Justices, to a charge for warehousing for the time during which the goods shall remain in the said warehouses. In case the said goods shall be removed to the Public Warehouses, then the said consignee or owner shall be liable to the charges for warehousing goods in such Public Warehouse.

Lien for freight preserved after landing of goods, if notice of lien given.

LIX. If the shipowner, at the time when any goods are landed at any wharf, quay, stage, jetty, or pier, erected under this Act, shall give to the Justices notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the goods so landed shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof. Such goods shall be retained either in the warehouses and sheds of the Justices, or, with the consent of the Chief Officer of Customs, in the Public Warehouses, until the lien is discharged as hereinafter mentioned. If by reason of the failure to retain the said goods any loss is occasioned to the shipowner, the Justices shall be bound to make good such loss.

Discharge of lien by payment or release.

LX. Upon the production to the Officer of the Justices in that behalf of a receipt for the amount claimed as due, and delivery to him of a copy thereof, or of a release of freight from the shipowner, the said lien shall be discharged.

If tolls not paid or the lien for freight is not discharged, goods may by sold after the expiration of two months.

LXI. If the tolls, rates, and dues payable to the Justices in respect of the said goods under this Act are not paid, or if the lien of the shipowner for freight, where such notice as aforesaid has been given, is not discharged, the Justices may, and in the latter event if required by the shipowner shall, at the expiration of two months from the time when the goods were placed in their custody, or if the goods are of a perishable nature at such earlier period, being not less than twenty-four hours after the landing of the goods, as they shall think fit, sell by public auction the said goods or so much as may be necessary to satisfy the charges hereinafter mentioned; before making such sale, ten days' notice of the same shall be given by publication thereof in the Calcutta Gazette, unless the goods are of so perishable a nature as in the opinion of the Officer of the Justices in that behalf to render immediate sale necessary or advisable, in which event such notice shall be given by publication as aforesaid as the urgency of the case admits of. If the address of the owner of the goods has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Justices, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by the post: but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent. In every case of any such sale as aforesaid, the moneys received from the sale shall be applied as follows:—

1*st*, In payment of the expenses of the sale.

2*ndly*, In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods.

3*rdly*, In payment of the tolls, charges, and expenses of landing, removing, storing, or warehousing the same, and of all other charges due to the Justices under this Act in respect thereof.

The surplus, if any, shall be paid to the importer, owner, or consignee of the goods or to his agent, on his applying for the same; provided such application be made within one year from the sale of the goods, or good reason be shown why such application was not so made.

Port clearance to be withheld if mooring charges unpaid.

LXII. The powers and provisions contained in Section XLIX of the said Act XXII of 1855 shall be applicable in respect of all charges for moorings or other charges due from the owner of any vessel to the Justices under this Act.

Port Act to extend to Lieutenant-Governor's Regulations under this Act.

LXIII. The powers vested in the Local Government with the sanction of the Governor-General of India in Council by Section VII of the said Act XXII of 1855, shall extend to the regulating the classes of cargo to be shipped and landed from and at the respective wharves, quays, stages, jetties, or piers, belonging to the Justices, and the time for which and the order and manner in which vessels are to lie alongside such wharves, quays, stages, jetties, and piers, respectively, for the purpose of unloading or loading cargo, and all Regulations under and provisions of the said Act with regard to buoys and moorings shall extend to the buoys and moorings laid down by or belonging to the Justices. The Conservator of the Port and his assistants, in carrying out and enforcing such Regulations, shall act under the direction of the Committee.

Penalty for infringing Regulation of Local Government.

LXIV. If any person shall disobey any Rule or Regulation of the Local Government as to the time, manner, or order for or in which vessels are to lie alongside as aforesaid, or as to the use of such buoys or moorings as aforesaid, such person shall for every such offence be liable to a penalty not exceeding one hundred Rupees, and if the offence be continued beyond a day, to a penalty not exceeding fifty Rupees for every day after the first.

Compensation for damage to the property of the Justices.

LXV. In case any damage or mischief shall be done to any wharves, quays, jetties, piers, or works constructed under the provisions of this Act, by any vessel, through the negligence of any person having the guidance of or command thereof, or any of the mariners or persons employed therein, it shall be lawful for any Magistrate of the Town of Calcutta, on the application of the Justices, to issue a summons to the Master of or Agent for such vessel requiring him to attend on a day and at an hour named in the summons, to answer touching such damage or mischief. If at the time appointed in the summons, and whether the person summoned shall appear or not, it shall be made out to the satisfaction of the Magistrate that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred Rupees, it shall be lawful for the Magistrate to issue his warrant of distress under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors, or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Justices out of the proceeds of the distress. Provided that, if at the time of the damage or mischief the vessel was under the orders of a duly authorized Officer belonging to the Pilot Service or the Harbour Master's or Master Attendant's, Department, the case shall not be cognizable by the Magistrate under this Section.

Penalty for damage done to the works, &c.

LXVI. If any person shall wilfully demolish, cut, break, or in any way destroy any of the wharves, quays, jetties, and piers or other works belonging to the Justices under this Act, or any rope or other thing by which any vessel lying in the Port shall be moored or fastened to the same, such person shall for every such offence be liable, on conviction before a Magistrate for the Town of Calcutta, to a penalty not exceeding two hundred Rupees, and shall further be civilly liable to make good to the Justices the damage which he has occasioned.

Penalties how recoverable.

LXVII. All penalties imposed by this Act shall be recovered in the manner prescribed by Section XCIII of the Calcutta Police Act, 1866, and the provisions of Section XCIV of that Act shall apply to any distress levied by virtue of this Act. Such penalties shall be applied by the Justices to the purposes of the Trust.

Justices empowered to make Bye-laws.

LXVIII. It shall be lawful for the Justices to make and from time to time to alter Bye-laws for the guidance of persons employed by them under this Act; for the safe and convenient use of the wharves, quays, jetties, sheds, warehouses, tramways, and other works constructed by them under the authority of this Act; for the receiving and removal of goods brought within the premises of the Justices; for declaring the procedure to be followed by the Committee in taking charge of goods which shall have been damaged before landing or shall be alleged to be so damaged; and for the mode of payment of the tolls, dues, rates, and charges leviable under this Act. Provided that no such Bye-law or Regulation shall be repugnant to or inconsistent with any law in force or any Regulation of the Local Government under the provisions of this Act, and that no penalty for any one infringement of a Bye-law shall exceed fifty Rupees, and that, in case of

a continuing infringement, no penalty shall exceed ten Rupees for every day after the first notice.

Confirmation of Bye-laws.

LXIX. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved by the Lieutenant-Governor of Bengal, and been published for four weeks in the Calcutta Gazette, and when so published all Courts of Law shall take Judicial notice thereof.

Bye-laws and Tables of tolls to be exhibited.

LXX. The Justices shall cause the said Bye-laws and the Tables of tolls, rates, and charges leviable to be printed in the English and Bengalee languages and characters, and to be hung up and kept hung up at the several wharves, quays, and jetties, and other convenient places on the premises of the Justices.

Notice of action.

LXXI. No suit shall be maintained against any person for any thing done in pursuance of this Act, unless notice in writing shall have been given to the defendant or left at his last or usual place of abode one month before such suit shall be commenced, stating that a suit will be brought, and the grounds of suit.

Government may order a local survey.

LXXII. The Lieutenant-Governor of Bengal may at any time order a local survey and examination of any works of the Justices under this Act or the intended site thereof, and the cost of such survey and examination shall be borne and paid by the Justices out of the moneys in their hands by virtue of this Act.

Government may restore or complete works.

LXXIII. If the Justices shall allow any work constructed by them under this Act to fall into disrepair or shall not complete any work commenced by them or included in any scheme submitted to and approved of by Government under this Act, it shall be lawful for the Lieutenant-Governor of Bengal to cause such work to be restored, completed, or constructed either by the Officers of Government or any private contractor, and the cost of any such restoration, completion, or construction shall be a charge on the works, and a debt due from the Justices to the Secretary of State for India in Council.

Government may take possession and revoke powers of Justices.

LXXIV. If at any time it shall appear to the satisfaction of the Lieutenant-Governor of Bengal that the scheme submitted and approved under the provisions of Section XXXIV of this Act has not been and is not likely to be properly carried out, or (if carried out) has not been and is not likely to be properly maintained by the Justices, it shall be lawful for the said Lieutenant-Governor to give six months' notice, by order published in the Calcutta Gazette, that unless within that period the Justices shall take measures to the satisfaction of the said Lieutenant-Governor for the carrying out or proper maintenance of the said Lieutenant-Governor for the carrying out or proper maintenance of the said scheme, the powers by this Act conferred on the Justices will at the end of such period be withdrawn and revoked, and the Government of Bengal may assume possession and management of the works (if any) already constructed. By such order and without the necessity of any conveyance, all immoveable and moveable property, all rights of levying and recovering tolls, dues, and rates, all benefit of contracts, and all rights of suit, which at the time may be vested in the Justices under this Act, shall be transferred to and vested in the Secretary of State for India in Council, and the rights of all creditors of the Justices under this Act shall continue as against the said Secretary of State in Council to the extent of the property so transferred to and vested in him.

SCHEDULE (A). *(referred to in Section XLI.)*

FORM OF DEBENTURE.

The Justices of the Peace for the Town of Calcutta.

The *18*

No.

By virtue of the Act No. X of 1866 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, entitled "An Act for the Improvement of the Port of Calcutta," we, the Justices of the Peace for the Town of Calcutta, in consideration of the sum of Rs. paid to us by A. B. of promise to pay to the said or order the said sum of Rs. after the date hereof, together with interest at the rate of per centum per annum payable half-yearly on the day of and the day of

(Signatures of the Chairman or Vice-Chairman and two Justices.)

SCHEDULE (B).—*(referred to in Section LVI.)*

MAXIMA RATES AND TOLLS.

1. Rates on goods where no separate package or article exceeds one ton of 20 cwt. in weight :—

The maximum charge shall be Rs. 3 per ton by weight or measurement, to be calculated on the weight or measurement at the option of the Justices. Except as regards the goods hereunder specified, the ton by weight shall be one of 20 cwt., and the ton by measurement one of 50 cubic feet.

As regards the following classes of goods, the ton shall be taken at the respective weights and measurements hereunder appended to each class of goods, that is to say—

	Cwt. per ton.
Aniseed	... 8
Bark, in bags	... 8
Cake Lac, in bags	... 16
Cardamums, in robbins	... 8
China Root, in bags	... 11
Cloves, in bags	... 8
Coffee, in bags	... 18
„ in robbins and casks	... 16
Cutch, in bags	... 18
Dates, dry	... 16
Garlic and Onions	... 12
Ginger	... 16
Hides, Buffalo or Cow, cured	... 14
Mirabolans	... 16
Nux Vomica	... 16
Oats	... 16
Opium	per chest
	Cwt. per ton.
Paddy	... 16
Pepper, long	... 12
„ black	... 14
Putchuck	... 10
Raw Silk, in bales	... 10
Rum, in casks ...	2 puncheons or 4 hhds.
	Cwt. per ton.
Seed Lac, in bags	... 16
Shell Lac, in bags	... 16
Skins	... 14
Soap, country, in bags	... 15
Stick Lac, in bags	... 16
Tobacco, in bales	... 16
Turmeric	... 16

2. Rates on packages or articles exceeding one ton of 20 cwt. in weight:—

Above Tons.	Not exceeding Tons.	Rate. Rs.
1	2	6
2	3	12
3	4	30
4	5	60
5	6	90
6	8	120
8	10	180
10	12	240
12	15	360
15	20	600
20	25	900
25	30	1,200

3. Rates on goods landed or shipped from or upon boats and inland country vessels where servants of Justices land or ship the goods :—

Country boats, for every ton	Rs.	1-8 as.
Inland steamer or flats towed by Steamer, for every ton	„	2

Where the owners of the boat or vessel land or ship the goods-

Inland steamer ...	...	Re. 1	per ton.
Country boat ...	...	As. 12	„

4. Rates on vessels for use of moorings and wharves—

Sea-going vessel, per ton of goods shipped or landed		8	annas,
Inland steamers,	„ „	... 4	„
Country boats,	„ „	... 2	„

ACT No. I. OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 20th March 1867, and of the Governor-General on the 26th idem).

An Act to explain and amend Act VI. of 1863 of the Lieutenant-Governor of Bengal in Council.

1. Meaning of the expression "they shall substitute other such works" in Section, 180 of Act VI. of 1863.

2. Works substituted under the said Section 180 to be subject to the approval of the Lieutenant-Governor. Construction.

Preamble.

WHEREAS by Act VI. of 1863 of the Lieutenant-Governor of Bengal in Council, the Justices for the Town of Calcutta were empowered to construct aqueducts and lay pipes for bringing water into the Town, and to provide new tanks, reservoirs, cisterns, wells, and other such water-works for the purpose aforesaid: and whereas by Act VI. of 1866 of the Lieutenant-Governor of Bengal in Council, the said Justices were required to cause to be laid down in each street, lane, and thoroughfare of the Town sufficient mains and pipes for the supply of water, and to carry out a system for such supply: and whereas with a view to the more effectual carrying out of such system, it is expedient to explain and amend the said Act VI. of 1863; It is enacted as follows:—

Meaning of the expression "they shall substitute other such works" in Section, 180 of Act VI. of 1863.

I. It is hereby declared that the expression "they shall substitute other such works" used in the 180th Section of the said Act VI. of 1863 means, and the intention of the said Act is, that whenever the said Justices shall have ceased or shall cease to maintain any tank, reservoir, cistern, well, aqueduct, tunnel, pipe, pump, or other water-work, they shall substitute some other work, so that the supply of water to the inhabitants, or for the other purposes of the Act, shall not, after the completion of such substituted work, be less than it was before such substitution, but that they shall not be bound to substitute a work of the same specific description or use as that which is removed or no longer maintained.

Works substituted under the said Section 180 to be subject to the approval of the Lieut.-Governor.

II. All works substituted under the said 180th Section, and the time for the completion of such substituted works, shall be subject to the approval of the Lieutenant-Governor of Bengal, and such approval, when given, shall be conclusive evidence that the provisions of the said Section have been duly complied with.

Construction.

III. This Act shall be construed with, and as part of, the said Act VI. of 1863.

ACT NO. II. OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 20th March 1867, and of the Governor-General on the 1st April 1867.)

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal.

1. Interpretation Clause. "Common Gaming-house." Gender. Number.
2. Power to extend Act.
3. Penalty for owning or keeping, or having charge of, a gaming-house.
4. Penalty for being found in a gaming-house.
5. Power to enter and authorize Police to enter and search.

6. Finding cards, &c, in suspected houses, to be evidence that such houses are common gaming-houses.
7. Penalty on persons arrested for giving false names and addresses.
8. On conviction for keeping a gaming-house instruments of gaming to be destroyed.
9. Proof of playing for stakes unnecessary.
10. Act not to apply to certain games.
11. Gaming and setting birds, and animals to fight in public streets. Destruction of instruments of gaming found in public streets.
12. Offences by whom triable.
13. Penalty for subsequent offence.
14. Recovery and application of fines.
15. Offences under this Act to be offences within meaning of Penal Code.
16. Certain Sections of Act to apply without extention.
17. Immediate and prospective repeal of certain Sections of Acts II. and IV.

Preamble.

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

Interpretation. "Common Gaming-house."

I. In this Act—"common gaming-house" means any house, tent, room, space, or walled enclosure, in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such house, tent, room, space, or enclosure, whether by way of charge for the use of the instruments of gaming, or of the house, enclosure. room, or place, or otherwise howsoever.

Gender.

Words importing the masculine gender shall include the feminine.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Power to extend Act.

II. It shall be competent to the Lieutenant-Governor of Bengal, whenever he may think fit, to extend, by a Notification to be published in three successive numbers of the Calcutta Gazette, all or any of the Sections of this Act, to any city, town (save the town of Calcutta as defined by Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council), or place within the territories subject to his Government, and in such Notification to define, for the purposes of this Act, the limits of such city, town, or place, and from time to time to alter the limits so defined.

Penalty for owning or keeping, or having charge of, a gaming-house.

III. Whoever, being the owner or occupier, or having the use of any house, tent, room, space or walled enclosure, situate within the limits to which this Act applies, opens, keeps, or uses the same as a common gaming-house; and whoever, being the owner or occupier of any such house, tent, room space or walled enclosure as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used, or kept by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting the business of any house, tent, room, space, or walled enclosure, as aforesaid, opened, occupied, used, or kept for the purpose aforesaid; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, tent, room, space, or walled enclosure, shall be liable, on conviction before any Magistrate, to a fine not exceeding two hundred Rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

Penalty for being found in a gaming-house.

IV. Whoever is found in any such house, tent, room, space, or walled enclosure playing or gaming with cards, dice, counters, money, or other instruments of gaming or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable, on conviction before any Magistrate, to a fine not exceeding one hundred Rupees, or to imprisonment of either description as defined in the Indian Penal Code, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Power to enter and authorize Police to enter and search.

V. If the Magistrate of a District, or other Officer invested with the full powers of a Magistrate, or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, tent, room, space, or walled enclosure is used as a common gaming-house, he may either himself enter, or by his warrant authorize any officer of Police, not below such rank as the Lieutenant-Governor shall appoint in this behalf, to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, tent, room, space, or walled enclosure, and may either himself take into custody, or authorize such officer to take into custody, all persons whom he or such officer finds therein, whether or not such persons may be then actually gaming; and may seize or authorize such

officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein; and may search or authorize such officer to search all parts of the house, tent, room, space, or walled enclosure which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody; and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Finding cards, &c, in suspected houses, to be evidence that such houses are common gaming-houses.

VI. When any cards, dice, gaming-table, cloth, boards, or other instruments of gaming are found in any house, tent, room, space, or walled enclosure entered or searched under the provisions of the last preceding Section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, tent, room, space, or walled enclosure, is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police Officer, or by any person acting under the authority of either of them.

Penalty on persons arrested for giving false names and addresses.

VII. If any person found in any common gaming-house entered by any Magistrate or officer of Police under the provisions of this Act, upon being arrested by any such officer or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding five hundred Rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

On conviction for keeping a gaming-house, instruments of gaming to be destroyed.

VIII. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof with all monies seized therein to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

IX. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing therein at any game was playing for any money, wager, or stake.

Act not to apply to certain games.

X. Nothing in the foregoing provisions of this Act contained, shall be held to apply to billiards, whist, or any other game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

XI. A Police Officer may apprehend without warrant any person found playing for money or other valuable thing with cards, dice, counters, or other instruments of gaming, used in playing any game not being a game of mere skill, in any public market, fair, street, place, or thoroughfare situated within the limits aforesaid, or any person setting any birds or animals to fight in any public market, fair, street, place, or thoroughfare situated within the limits aforesaid, or any person there present aiding and abetting such public fighting of birds and animals. Such person, when apprehended, shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty Rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month, and such Police Officer may seize all birds and animals and instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold.

Destruction of instruments of gaming found in public streets.

Offences by whom triable.

XII. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure as to the amount of fine or imprisonment he may inflict.

Penalty for subsequent offence.

XIII. Whoever, having been convicted of an offence punishable under this Act, shall be again guilty of any such offence, shall be subject for every such subsequent offence to double the amount of punishment to which he would otherwise have been liable for the same: Provided that he shall not be liable in any case to a fine exceeding six hundred Rupees, or to imprisonment for a term exceeding one year.

Recovery and application of fines.

XIV. The provisions for the recovery of fines contained in Sections 64, 65, 66, and 67 of the Indian Penal Code and Section 61 of the Code of Criminal Procedure, shall apply to all fines and penalties imposed under this Act in any

town or place other than the Town of Calcutta; and such fines shall (subject to the provisions contained in the last preceding Section) be applied as the said Lieutenant-Governor shall from time to time direct. And the provisions of Act IV. of 1866 passed by the Lieutenant-Governor of Bengal in Council, and of every other Act for regulating the Police of the Town of Calcutta for the time being in force, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Offences under this Act to be offences within meaning of Penal Code.

XV. Any thing made punishable by this Act shall be deemed to be an "offence" within the meaning of the Indian Penal Code.

Certain Sections of Act to apply without extension.

XVI. The provisions of Sections VII. and XI. of this Act shall, from and after the passing of this Act, apply to the Town of Calcutta, and to the Suburbs of the Town of Calcutta as the same may be from time to time defined by any Notification published by the Lieutenant-Governor in pursuance of Act II. of 1866 passed by the Lieutenant-Governor of Bengal in Council; and the provisions of Section XIII. of this Act shall, from and after the passing of this Act, apply to the whole of the said territories.

Immediate and prospective repeal of certain Sections of Acts II. and IV. of 1866, B. C.

XVII. From and after the passing of this Act the provisions of Section XXXII. of Act II. of 1866 passed by the Lieutenant-Governor of Bengal in Council, and of Section LII. of Act IV. of 1866 passed by the same authority, shall stand and be repealed; and from and after any extension of this Act to the Suburbs of the Town of Calcutta, the provisions of Sections XXV., XXVI., XXVII., XXVIII., XXIX, and XXX of the said Act II. of 1866 shall stand and be repealed.

ACT No. III. OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 20th March 1867, and of the Governor-General on the 30th April 1867).

An Act to amend the law relating to Ships lying in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal.

1. Interpretation. "Master." "Owner." "Port." "Magistrate." Municipal Town." Number.
2. Penalty for not having a sufficient crew on board vessels lying in Port.
3. Power to grant exemption from maintaining crew on board particular ships.
4. Power to revoke exemption.
5. Power to make order with respect to portions of Ports.
6. During continuance of order, ships in such portions of Ports to be exempt from necessity of maintaining crews.
7. Penalty on Master omitting to take order to extinguish fire.
8. Power to charge Port Police upon Port Fund.
9. Power to charge upon Port Fund a portion of expense of Municipal Police.
10. Power to Impose Police Port-dues.
11. Power to impose Hospital Port-dues.
12. Application of Hospital Port-dues.
13. Power to refuse Port clearance till expenses under Merchant Shipping Act 1854 be paid.
14. Power to compound Port-dues.
15. Power to vary Port-dues.

16. Imposition or increase of Port-dues to be published.
17. Recovery of Penalties.
18. Penalties how to be disposed of.
19. Act to be construed with Act XXII of 1855.
20. Commencement of Act.

Preamble. WHEREAS it is expedient to amend the law relating to Merchant Ships lying in Ports in the provinces under the control of the Lieutenant-Governor of Bengal; It is enacted as follows :—

Interpretation. I. The following words and expressions for the purposes of this Act have the meanings hereby assigned to them, unless where a contrary intention appears from the context, that is to say :—

"Master." The word "Master" denotes any person having temporary or permanent command or charge of any vessel otherwise than in the capacity of Pilot or Harbour Master.

"Owner." The word "Owner" includes any Agent acting for and on behalf of the owner of a Ship at the Port at which such Ship shall lie or be.

"Port." The word "Port" denotes any Port within the Provinces aforesaid, subject to the provisions of Act XXII. of 1855 (*for the regulation of Ports and Port-dues*).

"Magistrate." The word "Magistrate" includes any Officer exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and any Magistrate of Police for the Town of Calcutta.

"Municipal Town." The expression "Municipal Town" denotes the Town of Calcutta and every town, suburb, station, bazar, village, and tract of country to which the provisions of Act III. of 1864 (*the District Municipal Improvement Act*) passed by the Lieutenant Governor of Bengal in Council have been or shall be extended.

Number. Words importing the singular number include the plural, and words importing the plural number include the singular.

Penalty for not having a sufficient crew on board vessels lying in Port. II. If any vessel of more than ten tons' burden shall, without such license as hereinafter is mentioned, be afloat in any Port within the Provinces under the control of the Lieutenant-Governor of Bengal, without having on board thereof a crew of not less than the number set forth in the first Schedule hereto, the Master of such vessel, and in case there shall be no Master of such vessel, then the owner thereof, shall be punished with a fine not exceeding five hundred Rupees.

Power to grant exemption from maintaining crew on board particular ships. III. Whenever it shall appear to the Conservator of any Port that any vessel in such Port may, without danger to other vessels in such Port, be afloat without such crew as hereinbefore is mentioned being maintained thereon, it shall be lawful to such Conservator, if he shall think fit, to grant under his hand a license in the Form A. in the second Schedule hereto, which license may be made determinable on the breach of any conditions therein contained; and during the continuance of such license, the provisions of Section II. of this Act shall not apply to such vessel.

Power to revoke exemption. IV. It shall be lawful for such Conservator, by any writing under his hand in the Form B. in the second Schedule hereto, to revoke such license; and from and after the publication of such revocation, by posting a copy thereof upon some conspicuous part of such vessel, the provisions of Section II. of this Act shall apply to such vessel and to the Master and owner thereof, as if no such license had ever been granted.

Power to make order with respect to portions of Ports. V. Whenever it shall appear to the Conservator of any Port that any creek river, or dock is so situate that vessels without any crew therein may remain afloat in such creek, river, or dock, without danger to any vessels in any part of such Port, it shall be lawful for such Conservator to make an order in the Form C. in the second Schedule hereto, and from time to time, if he shall think fit, to revoke or amend such order. Provided always that every such order, amendment, and revocation shall be published in the Calcutta Gazette, and that no such order, amendment, or revocation shall have any force or effect until it shall have been so published.

During continuance of order, ships in such portions of Ports to be exempt from necessity of maintaining crews. VI. During such time as any such order shall remain in force, the provisions of Section II. of this Act shall not apply to any vessel lying or being within the limits of any such creek, river, or dock, as the same shall be defined by such order.

Penalty on Master omitting to take order to extinguish fire. VII. The master of any vessel in which fire shall take place while lying or being in any Port, who shall wilfully omit to take order to extinguish such fire, shall be punished with imprisonment of either description which may extend to six months, or with fine which may extend to one thousand Rupees, or with both.

Power to charge Port Police upon Port Fund. VIII. It shall be lawful for the Lieutenant-Governor of Bengal to order (if and when he shall in his discretion think fit) that the entire or any portion of the expense of maintaining the Police Force in any Port which may be within or

abutting upon any Municipal Town, shall be borne by and paid out of the Port Fund of such Port.

Power to charge upon Port Fund a portion of expense of Municipal Police.

IX. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to assign to the persons charged with the management of the Municipal Fund of the Municipal Town upon which any Port may be abutting, or within which any Port may be, such annual sums to be charged upon and payable out of the Port Fund of such Port as to him shall seem just and reasonable for or towards re-imbursing to such Municipal Fund such portion of the expense of the Police Force in such town as may, in the opinion of the said Lieutenant-Governor of Bengal, be rendered necessary by the resort to such town of seamen from ships lying or being in such Port.

Power to impose Police Port-dues.

X. In case the Port Fund of any Port shall, after providing for the payment of all sums and charges now by law payable out of such Port Fund, be insufficient to pay any expense of Police and annual sums which shall, under the provisions aforesaid, be payable thereout, it shall be lawful for the said Lieutenant-Governor of Bengal, and he is hereby required, to order that there shall be paid in addition to all Port-dues and charges payable in respect of any ship from time to time lying or being in such Port, such Port-dues to be called Police Port-dues as shall thereunto be necessary. Provided that the same shall not exceed the Port-dues in that behalf mentioned in the third Schedule to this Act.

Power to impose Hospital Port-dues.

XI. It shall be lawful for the Lieutenant-Governor of Bengal (in case he shall think fit) to order that there shall be paid, in respect of every ship from time time lying or being in any Port, within a reasonable distance of which there may be a public Hospital suitable for the reception of seamen requiring medical aid, such further Port-dues as to him shall seem proper, to be called Hospital Port-dues. Provided that the same shall not exceed the Port-dues in that behalf mentioned in the said third Schedule.

Application of Hospital Port-dues.

XII. Such Hospital Port-dues shall, from time to time, be paid or applied towards the support of any such Hospital or Hospitals as aforesaid, and in such proportions, as the Local Government may direct.

Power to refuse Port clearance till expenses under Merchant Shipping Act 1854 be paid.

XIII. It shall be competent to the Officer in charge of any Custom House, to refuse Port clearance to any vessel until all expenses, which by the Merchant Shipping Act 1854, Section 228, are to be borne by the owner thereof, incurred since the arrival of such vessel in the Port from which she seeks clearance, shall have been duly paid.

Power to compound Port-dues.

XIV. It shall be lawful for the owner of any vessel to pay to the Conservator of any Port three times the amount of the Police Port-dues and Hospital Port-dues which would, for the time being, be payable in respect of such vessel, and thereby to discharge such vessel from all further Police Port-dues and Hospital Port-dues in such Port for the space of twelve calendar months, from the day of the date of such payment.

Power to vary Port-dues.

XV. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to vary the rate of Police Port-dues and Hospital Port-dues payable in any Port, as to him in his discretion shall seem fit so as that the same shall not exceed the rates in the third Schedule respectively set forth.

Imposition or increase of Port-dues to be published.

XVI. No order of the Lieutenant-Governor of Bengal, imposing or increasing any Port-dues under this Act, shall take effect until the expiration of six calendar months from the day upon which such order shall have been published in the Calcutta Gazette.

Recovery of penalties.

XVII. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines contained in Sections 64, 65, 66, and 67 of Act XLV. of 1860 (*the Indian Penal Code*) and in Section 61 of Act XXV. of 1861 (*the Code of Criminal Procedure*) shall apply to all fines and penalties imposed under this Act by any Magistrate in any Port other than the Port of Calcutta: and the provisions of Act IV. of 1866 passed by the Lieutenant-Governor of Bengal in Council, and every other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Penalties how to be disposed of.

XVIII. All penalties levied under this Act shall be applied as fines received under the said Act XXII. of 1855 are directed to be applied.

Act to be construed with Act XXII of 1855.

XIX. This Act shall be construed together with and as part of the said Act XXII. of 1855.

Commencement of Act.

XX. This Act shall commence and take effect on the first day of April 1867.

FIRST SCHEDULE.—*(referred to in Section II.)*

	If Natives.	If Europeans.	Officers in charge.
Cargo Boats	4	4	0
Vessels, not being Cargo Boats, of 600 tons and under, in moorings	6	4	1
For every additional 100 tons ...	1½	1	0
Vessels, not being Cargo Boats, of 600 tons and under, in stream...	11	7½	1
For every additional 100 tons ...	2	1	0

SECOND SCHEDULE.—*(referred to in Sections III., IV., and V.)*

FORM A.

Port of ( )

I ( ) Conservator of the Port of do hereby license the *(ship)* of which is Master to remain at her present moorings, in the said Port. without having on board the crew required by Act III. of 1867 of the Lieutenant-Governor of Bengal in Council. Provided always that, on breach of any of the conditions hereunder written, this license shall forthwith absolutely cease and determine.

FORM B.

Port of ( )

I ( ) the Conservator of the Port of do hereby revoke all license to the *(ship)* to remain in Port without a crew therein.

FORM C.

Port of ( )

I ( ) the Conservator of the Port of do hereby order that vessels lying in the following portion of the said Port *(here set out the exempted limits)* shall be exempt from the provisions of the second Section of Act III of 1867 passed by the Lieutenant-Governor of Bengal in Council.

THIRD SCHEDULE.—*(Referred to in Sections X., XI., and XV.)*

PORT DUES.

Police Port-dues

For every vessel entering any Port, two annas per ton.

Hospital-Port-dues

For every vessel entering any Port, one anna per ton.

ACT NO. IV. OF 1867.

An Act to explain and amend Act VI. of 1862 passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.

REPEALED BY ACT VIII OF 1869 OF THE BENGAL COUNCIL.

ACT NO. V. OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 23rd May 1867, and of the Governor-General on the 30th idem.)

An Act for shortening the language used in Acts passed by the Lieutenant-Governor of Bengal in Council.

1. Interpretation of certain words in future Acts.
2. Repealed Acts not to be revived.
3. Repealed provisions to continue in force till substituted provisions come into operation.
4. Provision for the recovery of fines. Commencement of Act.

Preamble.

WHEREAS certain provisions are commonly inserted in Acts passed by the Lieutenant-Governor of Bengal in Council for the interpretation of such Acts, and it is expedient to avoid the frequent repetition of such provisions; It is declared and enacted as follows:—

Interpretation of certain words in future Acts.

I. In all Acts passed after the commencement of this Act, and containing nothing expressly to the contrary, words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular; the word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate; the word "person" shall include any incorporated Company or incorporated association of persons; the word "month" shall be taken to mean calendar month, unless words be added showing lunar month to be intended; the word "land" shall include houses and buildings and corporeal hereditaments and tenements of any tenure, unless where there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure; and the words "oath," "swear," and "affidavit" shall include affirmation, declaration, affirming, and declaring, in the case of persons by law allowed to declare or affirm instead of swearing.

Repealed Acts not to be revived.

II. Wherever any Act shall, after the time fixed for the commencement of this Act, be passed repealing in whole or in part any former Act or Regulation, and such Act shall itself be repealed, such last repeal shall not revive the Act or Regulation or provisions before repealed, unless words be added reviving such Act, Regulation, or provisions.

Repealed provisions to continue in force till substituted provisions come into operation.

III. Wherever any Act shall, after the time fixed for the commencement of of this Act, be passed repealing in whole or in part any former Act, and substituting some provision or provisions instead of the provision or provisions so repealed, the provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last mentioned Act.

Provision for the recovery of fines.

IV. The provisions of Sections 63, 64, 65, 66, 67, 68, 69, and 70 of the Indian Penal Code, and of Section 61 of the Code of Criminal Procedure, shall apply to all fines which may be imposed under the authority of any Act hereafter to be passed.

Commencement of Act ensuing.

V. This Act shall commence and take effect upon the first day of June now next ensuing.

ACT NO. VI. OF 1867.*

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th April 1867, and of the Governor-General on the 3rd June 1867.)

An Act for the better regulation of the Police in Town and Municipalities in the Territories under the control of the Lieutenant-Governor of Bengal.

1. Interpretation. "Magistrate." "House." "Town." "Municipality." Gender. Number.
1. Police in Towns and Municipalities to be appointed under Act V. of 1861.
3. Repeal of Clauses.
4. District Superintendent of Police to prepare a Budget.
5. Contents of Budget.
6. Magistrate to consider Budget.
7. Budget to be transmitted to Lieutenant-Governor.
8. Lieutenant-Governor to decide on Budget.
9. Amount of estimate in Budget to be deemed expense of Police Force.
10. Municipal Commissioners to pay amount of expense to Lieutenant-Governor.
11. Magistrate to raise amount of expense.
12. Saving of powers of Police Commissioner in Calcutta.
13. Deputy Commissioner to perform duties of District Superintendent under this Act.
14. Commencement of Act.

Preamble.

WHEREAS it is expedient to make better provision for the regulation and maintenance of the Police Force employed in Towns and Municipalities in the Territories under the control of the Lieutenant-Governor of Bengal; It is enacted at follows:—

Interpretation.

I. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, that is to say:—

"Magistrate."

The word "Magistrate" shall include the Magistrate of a District, or a Magistrate in charge of a Division of a District.

"House."

The word "House" shall include any shop or warehouse.

"Town."

The word "Town" shall mean any city, town, suburb, station, or bazar, or union, to which the provisions of Act XX. of 1856, passed by the Governor-General of India in Council, shall have been extended, and to which the provisions of Act III. of 1864 passed by the Lieutenant-Governor of Bengal in Council, shall not have been extended.

"Municipality."

The word "Municipality" shall mean any town, suburb, station, bazar, village, or tract of country to which the said Act III. of 1864 shall have been extended.

Gender.

Words importing the masculine gender shall include the feminine.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Police in Towns and Municipalities to be appointed under Act V. of 1861.

II. From and after the commencement of this Act, no Police Chowkeydars shall be appointed, continued, or employed in any Town or Municipality under the provisions of Act XX. of 1856 passed by the Governor-General of India in Council, and all Police Officers appointed or employed in any Town or Municipality shall be appointed under the provisions of Act V. of 1861 passed by the Governor-General of India in Council and shall be deemed to be a portion of the Police Establishment under the Local Government of the Lieutenant-Governor of Bengal, and shall, save as hereinafter appears, be subject to the provisions of the said Act V. of 1861.

Repeal of Clauses.

III. From and after the commencement of this Act, the various portions of Acts set forth in the Schedule hereto, shall stand and be repealed, except as to any act which shall have been done, or any liability which shall have been incurred, before the passing of this Act, and except so far as they repeal the whole or any part of any other Act, or ordinance, or regulation.

District Superintendent of Police to prepare a Budget.

IV. From and after the commencement of this Act, every District Superintendent of Police, on or before the first day of November in each year, shall prepare, in such form as may from time to time be directed by the Lieutenant-Governor

* This Act to have no effect in places to which Act VI. of 1868 of the Bengal Council is extended.

of Bengal, a Budget or estimate of the income and expense of the Police Force in every Town and Municipality within his District, for the year to commence on the first day of January next after the preparation of such Budget, and present the Budget of every such Town or Municipality to the Magistrate thereof.

Contents of Budget.

V. Every such Budget shall show the number, constitution, and salaries of the Police Force to be maintained in any such Town or Municipality, and shall state whether the whole or some and what part of such expense is to be borne by rates to be levied in the Town or Municipality to which the same refers. Provided that the expense so to be borne in any Town shall not exceed the average rate of two annas per mensem for each house, and that the expense so to be borne in any Municipality shall not exceed five Rupees per centum of the annual value of all houses, buildings, and lands within the local limits of such Municipality.

Magistrate to consider Budget.

VI. The Magistrate of every such Town or Municipality shall, forthwith after the receipt of such Budget, lodge the same in his Office, and shall cause the same to be translated into the language usually spoken in such Town or Municipality, and shall cause the same or the translation thereof to be laid before the Municipal Commissioners of such Municipality at their next General Meeting or before the Punchayet appointed under the said Act XX. of 1856 of such Town, and shall, during fourteen days after such Budget shall have been so received, permit the same and the translation thereof to be inspected at all reasonable times and seasons by any rate-payer of such Town or Municipality who may desire to inspect the same.

Budget to be transmitted to Lieutenant-Governor.

VII. Immediately after the expiration of fourteen days from the receipt of any such Budget, the Magistrate who shall have received the same, shall transmit to the Lieutenant-Governor of Bengal such Budget, together with any remarks or objections made by the said Municipal Commissioners or the said Punchayet as the case may be.

Lieutenant Governor to decide on Budget.

VIII. It shall be lawful for the said Lieutenant-Governor to consider such Budget so transmitted to him, and to approve, or to reject, or modify and approve as modified, such Budget or any part thereof.

Amount of estimate in Budget to be deemed expense of Police Force.

IX. So much of the estimates in such approved Budget as may thereby be directed to be borne by the rates to be levied in such Town or Municipality shall, for the purposes of this Act, be the expense of the Police to be borne by such Town or Municipality for the year for which such Budget shall have been presented.

Municipal Commissioners to pay amount to Lieutenant-Governor.

X. The Municipal Commissioners in every Municipality shall, out of the annual rates of such Municipality, cause to be paid to the said Lieutenant-Governor the expense of the Police Force of such Municipality, by equal quarterly instalments, which said instalments shall respectively be payable upon such quarterly days of payment as shall from time to time be fixed by the said Lieutenant-Governor for the payment thereof by such Municipal Commissioners.

Magistrate to raise amount of expense.

XI. The Magistrate of every Town shall, by the ways and means in and by by the said Act XX. of 1856 provided for raising the amount of the expense of Chowkeydars appointed under the same Act, cause to be levied and raised in such Town the amount of the expense of the Police to be borne under this Act by such Town and the cost of raising such amount.

Saving of powers of Police Commissioner in Calcutta.

XII. Nothing in this Act shall deprive the Commissioner of Police for the Town of Calcutta of any power or authority over the Police within the Town of Calcutta and the Suburbs thereof, in him vested by Act IV. of 1866 or Act II. of 1866 of the Lieutenant-Governor of Bengal in Council, or otherwise; and the Inspector-General of Police shall not exercise over the Police within the said Town or Suburbs, any of the powers or authorities to him confided by the said Act V. of 1861.

Deputy Commissioner to perform duties of District Superintendent under this Act.

XIII. The Deputy Commissioner of Police for the Suburbs of Calcutta shall, for the purposes of this Act, be deemed to be the District Superintendent of the said Suburbs.

Commencement of Act.

XIV. This Act shall, so far as respects the preparation, presentation, inspection, consideration, and approval of Budgets, commence and take effect upon the first day of September now next ensuing, and as to the residue thereof, shall commence and take effect upon the first day of January 1868.

SCHEDULE OF LAWS REPEALED— *(referred to in Sectiono III.)*

Number and Date of Act.	Title.	Extent of Repeal.
Act XX. of 1856.	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars, in the Presidency of Fort William in Bengal.	Sections 7, 8, 9, 11, 32, 33, 35, 50, 51 52, 53, 54, 55, and 56.
Act III.of 1864 passed by the Lieutenant-Governor of Bengal in Council.	An Act to povide for the appointment of Municipal Commissioners in Towns and other places in the Provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes therein.	Section 34.

ACT No. VII of 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th May 1867, and of the Governor-General on the 17th June 1867.)

An Act to amend Act III of 1864 passed by the Lieutenant Governor of Bengal in Council.

1. Interpretation. "Owner." "Inhabitant."
2. Service of Notices. Proviso.
3. Power to assess upon a house consolidated rate for house and ground on which it stands.
4. Rate due from non-resident owner may be recovered from occupier, and deducted by him from his rent.
5. Assessment not to be impeached, if the directions of the Act are in substance complied with.
6. Distress not unlawful for want of form.
7. District Superintendent of Police to be ex-officio Municipal Commissioner.
8. Commissioners may expend a certain monthly sum for Hospitals or Dispensaries.
9. Commissioners may provide expense of Vaccination.
10. Commissioners indemnified as to monies heretofore expended on account of Vaccination, Hospitals, or Dispensaries.
11. Power to contract for lighting streets.
12. Construction.

Preamble.

WHEREAS it is expedient to amend Act III of 1864 passed by the Lieutenant-Governor of Bengal in Council, in the manner hereinafter expressed; It is enacted as follows:—

Interpretation.

I. The following words and expressions in this Act and in the said Act III of 1864 shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, that is to say:—

"Owner."

The word "Owner" shall mean the person for the time being receiving, either on his own account or as Agent or Trustee for another, the rent of land from the tenant in actual occupation thereof, or who would so receive the same, if such land were actually occupied by a tenant. Provided that no owner receiving rent as an Agent or Trustee shall be liable to pay any assessment under the said Act or this Act, unless he have sufficient funds of his principal or belonging to the Trust in his hand.

"Inhabitant."

The word "Inhabitant" shall include any owner of property in any Place, although he may not be resident therein.

Service of Notices.

II. Every bill, notice, schedule, summons, or notice of demand regarding any assessment, rate, or tax, or any money due in respect of the same, may be served personally upon the person to whom the same is addressed, or be left at his usual place of abode with some adult male member or servant of his family, or if it connot be so served, may be put up on some conspicuous part of such place of above, and shall thereby be deemed to be duly served. Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the Place, every such bill, notice, summons, or notice of demand shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

Proviso.

Power to assess upon a house consolidated rate for house and ground on which it stands.

III. Whenever any house or building belongs to one owner, and the ground on which the same stands, and which is usually occupied therewith belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate, which shall be payable by the owner of the house or building. After so paying the consolidated rate, the owner of the house or building shall be entitled to deduct from the rent which he pays for the ground, such proportion of the rate so paid by him as is equal to the proportion which his rent bears to the annual value on which the rate has been assessed.

Rate due from non-resident owner may be recovered from occupier, and deducted by him from his rent.

IV. If the sum due on account of any rate from the owner of any house, building, or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the Place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and, on non-payment thereof, may recover the same by distress and sale of any goods and chattels

found on the premises ; and whenever such rate shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that, if the rate so deducted is a consolidated rate payable by the owner of a house or building under Section III of this Act, the same shall, after such deduction, be deemed to have been paid by such owner within the meaning of the last mentioned Section.

Assessment not to be impeached, if the directions of the Act are in substance complied with.

V. No assessment, and no charge or demand of a rate or tax made under the authority of the said Act III of 1864, or of this Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of the said Act III of 1864, and of this Act, be in substance and effect complied with ; and no proceedings under this Act shall, for want of form, be quashed or set aside in any Court of Justice.

Distress not unlawful for want of form.

VI. No distress levied by virtue of the said Act III of 1864, or of this Act, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other preceeding relating thereto, nor shall such party be deemed a trespasser *ab initio*, on account of any irregularity afterwards committed by him ; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any Court of competent jurisdiction.

District Superintendent of Police to be ex-officio Municipal Commissioner.

VII. In addition to the Municipal Commissioners mentioned in the said Act III of 1864, the person for the time being filling the office of District Superintendent of Police in any District within which any Place may be situated shall be ex-officio a Municipal Commissioner for such place.

Commissioners may expend a certain monthly sum for Hospitals or Dispensaries.

VIII. It shall be lawful for the Municipal Commissioners of any Place, with the sanction of the Lieutenant-Governor of Bengal, from time to time, to apply out of the Municipal Fund of such Place such monthly sum, not exceeding two hundred and fifty Rupees, as to them shall seem fit, in or towards the maintenance and support of an Hospital or Dispensary in such Place for the benefit of the poor inhabitants thereof.

Commissioners may provide expense of Vaccination.

IX. It shall be lawful for the Municipal Commissioners of any Place, out of the Municipal Fund thereof, from time to time, to make such provision as to them shall seem fit, for the Vaccination of all persons resident in such Place.

Commissioners indemnified as to monies heretofore expended on account of Vaccination, Hospitals or Dispensaries.

X. All monies which may have been heretofore expended out of the Municipal Fund of any Place by the Municipal Commissioners thereof, in making provision for the Vaccination of persons resident therein, or in or towards the maintenance or support of an Hospital or Dispensary for the benefit of the poor inhabitants of such Place, shall be deemed to have been properly applied out of the said Municipal Fund.

Powers to contract for lighting streets.

XI. With the sanction of the Lieutenant-Governor of Bengal, the Municipal Commissioners of any Place may, if they shall so resolve at any meeting, contract with any person for the lighting of the streets of such Place by such person on such terms as to yearly or other payment as may be agreed on, and may provide for such payment out of the rates levied under the said Act III of 1864 and this Act.

Construction.

XII. This Act, shall be construed with and as part of the said Act III of 1864.

ACT NO. VIII OF 1867.*

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 13th June 1867, and of the Governor-General on the 27th idem.)

An Act to provide for the recovery of rates for water supplied by the East India Irrigation and Canal Company.

1. Interpretation. "Water-rate." "Arrears of water-rates." "Channel."

5. Decrees and orders under this Act to be of the like force and effect as under Act X of 1859.

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* Act VI. 1869 of the Bengal Council to be read with and as part of this Act.

6. Rates to be payable to Government.
7. Power to farm out rate.
8. Agreement for payment of water-rate to be in writing.
9. Counterpart to be executed.
10. Power to stop water supply.
11. Penalty for negligently permitting escape of water.
12. Theft of water.
13. Power of entry on land through which channel may run, or which may be irrigated by water from Company's canal.
14. Lands irrigated without agreement to be subject to double rate.
15. Recovery of fines.

Preamble.

WHEREAS by a certain Indenture bearing date the 16th day of June 1862 and made between the Secretary of State for India in Council of the one part, and the East India Irrigation and Canal Company (hereinafter called The Company) of the other part, it was amongst other things agreed that the Company should construct certain works for irrigation, navigation, and the supply of water in the Districts and Deltas of the rivers Mahanuddy, Byturny, and Brahmany, and their affluents, and that when and so soon as any part of the said works should be certified as completed, so as to be available for the purposes of supplying water for the irrigation of land, the Company should sell to the said Secretary of State alone, and the Secretary of State should purchase, the water which, according to the Company's store or flow of water, and consistently with their other arrangements, should be capable of being supplied for the irrigation of land, but to the extent only to which the cultivators of such land might be willing to take the same at the prices fixed as thereinafter is mentioned, and that the Company should supply such water in such manner and to such person or persons as the Governor-General of India should, from time to time, direct; and whereas a portion of the said works have been completed so as to be available for the purpose of supplying water for the irrigation of land: And whereas it is expedient that provision should be made for the speedy recovery of rates or dues for water supplied for irrigation, and of claims connected with such rates and such water so supplied, and for the prevention of waste and abstraction of such water: It is hereby enacted as follows:—

Interpretation.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context opposed to such construction:—

"Water-rates."

The expression "water-rates" shall mean sums payable for water taken for purposes of irrigation.

"Arrears of water-rates.

The expression "arrears of water rates" shall mean any sum which by any agreement shall be payable to the Secretary of State for India in Council for water-rates, and which shall not have been paid on or before the day upon which by such agreement it became payable.

"Channel."

The word "channel" shall include any water-course through which water may, with the consent of the Company, be conveyed from the canals of the Company.

II. to IV (Repealed by Act VI of 1868 of the Bengal Council.)

Decrees and orders under this Act to be of the like force and effect as under Act X of 1859.

V. All decrees and orders under this Act shall be in the like form and shall be enforced in such and the same or the like manner, and by such and the same or the like powers, as if the same were decrees or orders for the same or the like purpose made in pursuance of the provisions of the said Act X of 1859.

Rates to be payable to Government.

VI. All water-rates shall be payable to the Secretary of State for India in Council.

Power to farm out rate.

VII. It shall be lawful for the Collector of the District in which any water-rate may be payable, either to collect such rate by officers appointed by him, or to let out the same to farm to any person. Every such farmer and his sureties, and his or their effects, shall be subject to such and the same and the like remedies, procedure and authority, as if he were the farmer from the Government of an estate for the purpose of collecting thereout the rent.

Agreements for payment of water-rate to be in writing.

VIII. All agreements for payment of water-rate, and receipts for payments made under such agreements, shall be in writing, and such agreements and receipts shall be in such form as from time to time shall be settled by the said Lieutenant-Governor.

Counterpart to be executed.

IX. Every person who executes such agreement shall be entitled to receive from the person to whom such agreement is granted, a counterpart engagement in conformity with the terms of the agreement.

Power to stop water supply.

X. In case any person who shall have agreed to take water for purposes of irrigation shall have permitted any arrear of water-rates to accrue due, it shall be lawful for the Collector of the District or the officer appointed by him under Sec-

tion VII, or for the farmer of such water-rates, as the case may be, by notice in writing to require the said Canal Company to stop the further supply of water to such person, until he shall have paid up all arrears of water-rate then due by him; and the said Company shall not be entitled to receive from such farmer or collector nor from the said Secretary of State any payment is respect of any water which may be supplied to such person after the service upon the said Company of such notice, and during such time as his default continues.

Penalty for negligently permitting escape of water.

XI. Every person under whose control any channel or either bank thereof may be, who shall negligently permit the escape of water from such channel, shall be liable, on conviction before a Magistrate, to a fine which may extend to fifty Rupees.

Theft of water.

XII. Whoever shall wilfully abstract water from any of the Company's canals or channels, without payment for, or entering into an agreement for the same, shall be punishable under Section 379 of the Indian Penal Code.

Power of entry on land through which channel may run, or which may be irrigated by water from Company's canal.

XIII. It shall be lawful for any farmer or collector of water-rates, or for any officer of the Company duly authorized by such Company, with such servants and workmen as may be required, to enter into or upon any land through which any canal or channel of the Company may run or which may be irrigated with water flowing from the canals of the Company, or for the purpose of measuring the extent of land so irrigated, or for the purpose of examining, repairing, and amending the banks or such canal or channel.

Lands irrigated without agreement to be subject to double rate.

XIV. If any person shall use water flowing from the canals of the Company for the purpose of irrigating land for the irrigation of which no agreement shall have been made, it shall be lawful for the farmer or collector of the water-rates within the limits of whose farm or collectorate such lands may be situate, to recover as an arrear of water-rate under this Act, from the person who shall so use such water, double the amount of water-rate which would be payable in respect of such lands in case an agreement for the irrigation of the same for one crop had been duly made.

Recovery of fines.

XV. All fines imposed under this Act may be recovered according to the provisions of the Code of Criminal Procedure.

ACT No. IX OF 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 22nd June 1867 and of the Governor-General on the 1st July 1867.)

An Act to amend Act VI of 1863 and Act VI of 1866 passed by the Lieutenant-Governor of Bengal in Council.

1. *On payment of tax, Justices to grant license.*
2. *License to be produced.*
3. *Penalty on keeping carriages, &c., without a license.*
4. *Possession of carriages, &c., to be primâ facie evidence of ownership.*
5. *Power to compel production of the books of livery stable-keepers.*
6. *Power to compel return of inhabitants of a house and of their professions.*
7. *Power to purchase land without the Town.*
8. *Power to demise lands vested in Justices.*
9. *Justices not to borrow more than 55 lakhs of Rupees.*
10. *Power to determine prosecution in absence of accused.*
11. *The Justices to provide water-supply.*
12. *Justices to notify the completion of arrangements for water-supply.*
13. *Imposition of water-rate.*
14. *Power to assess owners in certain cases.*
15. *Owner to recover from occupier rates paid by owner.*
16. *Owner for recovering rates to have same power as for recovering rent.*
17. *Power to construct Railway.*
18. *Power to permit carriages of Railway Company to run.*
19. *Power to demise Railway.*
20. *Town Hall vested in Justices.*

21. Buildings used for public Worship to be exempt from rates.
22. Interpretation of the word "Town."
23. Repealed Acts.
24. Construction.

Preamble.

WHEREAS it is expedient to amend Act VI of 1863 and Act VI of 1866 passed by the Lieutenant-Governor of Bengal in Council; It is enacted as follows :—

On payment of tax, Justices to grant license.

I. Whenever any person shall pay to the Justices the amount of the tax which, under the provisions of Section 37 of the said Act VI of 1863, and of the Schedule A to the said Act annexed, or of Section 5 of Act VI of 1866, shall be payable by such person in respect of all carriages, horses, ponies, and mules kept within the said Town, of which such person may be owner, the Jutices shall grant to such person a license to keep within the said Town such carriages, horses, ponies, and mules during the current half-year ending upon the first day of January, or the 1st day of July, which shall occur next after the grant of such license.

License to be produced.

II. Every person to whom a license to keep any carriage, horse, pony, or mule may have been granted under this Act shall, at all reasonable times, while such license shall remain in force, if thereunto required by the said Justices, or any person duly authorised by them, produce such license to the Justices, or to such person as they shall by writing thereunto appoint, and in default of such production shall be liable to a fine which may extend to one hundred Rupees.

Penalty on keeping carriages, &c. without a license.

III. Every person who, after the passing of this Act, shall be owner of any carriage, horse, pony, or mule kept within the Town, for keeping which within the said Town such person shall not have any license under the provisions of the said Act VI of 1863, or of the said Act VI of 1866, or of this Act, shall be liable to a fine not exceeding three times the amount of the tax which would have been payable by such person for all carriages, horses, ponies, and mules kept without a license within the said Town of which such person may for the time being be owner, and not less than the amount of such tax. And upon the payment of such fine the Justices shall grant to such person such license as in Section I is mentioned, to keep within the Town the carriages, horses, ponies, and mules in respect of which such fine shall have been calculated.

Possession of carriages, &c., to be *prima facie* evidence of ownership.

IV. Whoever personally or by his servants may be in possession of any carriage, horse, pony, or mule, shall, for the purposes of this Act, be deemed to be the owner thereof, and to have been the owner thereof from the first day of January or the first day of July then next preceding, unless and until the contrary shall be proved.

Powers to compel production of the books of livery stable-keepers.

V. It shall be lawful for the Justices, by a notice in writing under their common seal, to require any person who shall carry on the trade or business of a livery stable-keeper, to pruduce, for the inspection of the said Justices, or of such person as they shall by such writing appoint, all books and accounts relating to the business of a livery stable-keeper carried on by such person. In case any person upon whom any such notice in writing may have been served shall, without reasonable cause, neglect or refuse to produce any such books and accounts as aforesaid, he shall be liable to a penalty which may extend to one hundred Rupees.

Powers to compel return of inhabitants of a house and of their profession.

VI. It shall be lawful for the Justices, by a notice in writing under their common seal, to require the person who for the time being shall occupy any house as owner or tenant thereof, to forward to the said Justices a list in writing signed by him of the names of all persons for the time being residing in such house and of their respective professions, trades, and occupations. Any person who shall so occupy any house, and shall, without reasonable cause, neglect or refuse to forward such list to the said Justices for the space of ten days after such notice shall have been served upon him, or shall wilfully forward an incorrect or untrue list to such Justices, shall be liable to a fine which may extend to one hundred Rupees.

Power to purchase land without the Town.

VII. It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, to purchase any such land without the limits of the Town as may be required by them for the better effectuating any purpose for which the said Justices may purchase land within the Town.

Power to demise land vested in Justices.

VIII. It shall be lawful for the Justices, with the sanction of the said Lieutenant-Governor, to demise or lease any lands or buildings vested in them by virtue of the said Act VI of 1863, or acquired by them for the purposes thereof, or of this Act; and all rents and reservations in any such demise or lease shall be applied to the purposes of the said Act VI of 1863.

Justices not to borrow more than 55 lakhs of Rupees.

IX. It shall not be lawful for the Justices to borrow, by way of debenture or otherwise, any sum of money which, together with the amount which may for the time being be due on account of any debentures issued by the said Justices in pursuance of Section 93 of the said Act VI of 1863, shall exceed the sum of fifty-five

lakhs of Rupees. Provided always that no sum which may for the time being be due to the Secretary of State for India in Council on account of any loan from such Secretary of State in Council to the Justices for the purpose of effecting the supply of water to Calcutta, shall be included in the calculation of such sum of fifty-five lakhs of Rupees.

Power to determine prosecution in absence of accused.

X. Whenever any prosecution shall be instituted before any Justice of the Peace under the provisions of the said Act VI of 1863, or of the said Act VI of 1866, or of this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not appear according to the tenor of the summons, the Justice of the Peace before whom such summons shall be returnable may, upon proof of the service, if no sufficient cause shall be shewn for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

The Justices to provide water-supply.

XI. The Justices shall provide a fully supply of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of water in all the chief public streets of the Town, and shall also erect, in all the aforesaid chief public streets, sufficient and convenient stand-pipes for the gratuitous use of the inhabitants of the Town. The said stand-pipes shall be so placed that there shall not be any portion of any of the said chief public streets at a greater distance than one hundred and fifty yards from some such stand-pipe, and such stand-pipes shall, so far as may be reasonably practicable, at all times be kept charged with water.

Justices to notify the completion of arrangements for water-supply.

XII. When the Justices shall have provided all arrangements for the supply of water in the Town, or in any division, portion, or street thereof, and such convenient mains and stand-pipes as aforesaid, the Justices shall, with the sanction of the Lieutenant-Governor of Bengal, declare, by notification published in the *Calcutta Gazette*, that the supply is complete within the Town, or any such division, portion, or street thereof.

Imposition of water-rate.

XIII. After it has been notified as aforesaid that the water-supply in any division, portion, or street of the Town has been completed, it shall be lawful for the Justices to assess a water-rate upon all occupied houses and premises within such division, portion, or street of the Town. Such water-rate shall not exceed four per centum upon the annual value of the said houses and premises, and shall be payable at the times and levied from the persons and in the manner provided by Act VI of 1863 for the payment and levy of the water-rate, for the imposition of which authority is thereby given. Provided that no such rate shall be levied upon any houses with their appurtenances, lands, or premises of which there shall not be any portion situate within one hundred and fifty yards of some stand-pipe duly charged as aforesaid, such distance being measured along the main thoroughfare.

Power to assess owners in certain cases.

XIV. If any house or tenement shall be occupied by more than one tenant holding in severalty, or shall be of less annual value than one hundred Rupees, it shall be lawful for the Justices to assess the owner of such house or tenement, or the owner of the land on which such house or tenement may be situate, and to recover from such owner the lighting and water-rates imposed thereon under the said Acts VI of 1863 and VI of 1866.

Owner to recover from occupier rates paid by owner.

XV. Whenever any rate shall be recovered from, or paid by, any owner of any land, house, or tenement under the provisions of the Section next preceding, it shall be lawful for such owner, if there shall be but one occupying tenant of such land, house, or tenement, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and if there shall be more than one occupying tenant of such land, house, or tenement, to recover from each of such tenants, such sum as shall bear to the entire amount of rate which may have been so paid by such owner the same proportion as the value of the portion of such land, house, or tenement in the occupation of such tenant bears to the entire value of such land, house, or tenement.

Owner for recovering rates to have same power as for recovering rent.

XVI. Every owner who, under the provisions of the Section next preceding, may be entitled to recover any sum from any occupying tenant of any land, house, or tenement, or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such land, house, or tenement as may be in the occupation of such tenant.

Powers to construct Railway.

XVII. It shall be lawful for the Justices, with the sanction of the Lieutenant-Governor of Bengal, upon any of the public roads or streets in the Town of Calcutta, or upon any land within or without the said Town, which may be or become vested in the Justices, to construct or maintain any Railway which to the said Justices may appear to be useful or necessary for the purposes of the said

Acts VI of 1863 and VI of 1866, or of either of them, and with the like sanction to use and employ upon any such Railway, by them heretofore constructed or hereafter to be constructed, such locomotive engines or other moving power and such carriages and wagons to be drawn or propelled thereby, and to carry and convey upon such Railway all such passengers and goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof, as they may from time to time with the like sanction determine upon.

Power to permit carriages of Railway Company to run.

XVIII. It shall be lawful for the Justices from time to time, with the sanction of the Lieutenant-Governor of Bengal, to enter into any contract with any Railway Company, for the passage over any Railway already constructed by the said Justices or hereafter to be constructed by them, of the engines, coaches, wagons, or other carriages of such Company, or which shall pass over such Company's line of Railway, upon the payment of such tolls or rent and under such conditions and restrictions as may be mutually agreed upon.

Power to demise Railway.

XIX. It shall be lawful for the Justices, with the sanction of the Lieutenant Governor of Bengal, to demise or lease any Railway constructed or to be constructed by them under the provisions aforesaid, to any Railway Company upon such terms and under such conditions and restrictions as may be mutually agreed upon, and every Company to which any such Railway shall be demised or leased by such Justices, shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the said Justices would have had if such Railway had not been demised or leased.

Town Hall vested in Justices.

XX. From the passing of this Act, the building called the Town, Hall of Calcutta, situate on the north side of Esplanade Row in the said Town together with all houses, out-houses, grounds, buildings, rights, members, and appurtenances whatsoever to the said Town Hall belonging, or in any wise appertaining, or now at any time heretofore occupied, possessed, or enjoyed, together with or as part of the same, shall be, and the same are hereby, absolutely vested in the Justices.

Buildings used for public Worship to be exempt from rates.

XXI. Buildings used exclusively for purposes of public Worship shall be exempt from all rates and taxes which the Justices have authority to impose upon houses, buildings, or lands within the Town under any Act heretofore passed by the Lieutenant-Governor of Bengal in Council

Interpretation of the words "Town."

XXII. The word "Town" in the said Acts VI of 1863, and VI of 1866, and in this Act, shall not be taken to include any portion of Fort William, of the Esplanade, or of Cooley Bazar, now called Hastings.

Repeal of Acts.

XXIII. The various portions of Acts mentioned in the Schedule hereto, shall from and after the passing of this Act be repealed, save as to any rights therefore acquired or liabilities therefore incurred under them respectively, and save as to any Acts or portions of Acts which may have been repealed by them respectively.

Construction.

XXIV. This Act shall be read with and taken as part of the said Acts VI of 1863 and VI of 1866.

SCHEDULE of Laws repealed—(referred to in Section XXIII.)

Number and date of Act.	Title.	extent of Repeal.
Act VI of 1863.	An Act to vest the property of the Town of Calcutta, and the management of its Municipal affairs, in a Corporation; and to make better provision for the Conservancy and Improvement of the Town, and for the levying of Rates and Taxes therein	Sections 39 and 56.
Act VI of 1866 ...	An Act to amend Act VI of 1863	Sections 6, 11, 12, 13, and 24.

ACT No. X of 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 6th July 1867, and of the Governor-General on the 10th idem).

An Act to continue the existing Settlement of the Land Revenue in the Districts of Cuttack, Pooree, and Balasore, until the expiration of the year 1304 Umlee.

1. *The existing Settlement to continue in force.*
2. *Proprietors may dissent.*
3. *Management of Estates of dissenting proprietors.*
4. *Proprietors not giving notice to be responsible for revenue.*

Preamble.

WHEREAS the existing Settlement of the Land Revenue in the Districts of Cuttack, Pooree, and Balasore will expire with the present year 1274 Umlee; and whereas it is expedient to continue the said Settlement for a further period of thirty years: It is enacted as follows:—

The existing Settlement to continue in force.

I. The existing Settlement of the Land Revenue of the District of Cuttack, Pooree, and Balasore, and all rights and interest recognized or defined thereby, shall continue in force until the expiration of the year 1304 Umlee, subject to the following provisions.

Proprietors may dissent.

II. If any recorded proprietor of an Estate or any recorded shareholder in an Estate held in common tenancy within the said Districts, with respect to which an engagement for the payment of Public revenue during the existing Settlement may have been made, shall not be willing to continue such engagement to the expiration of the year 1304 Umlee, he shall, on or before the first day of September 1867, corresponding with the 18th Bhadoor 1274 Umlee, give notice to this effect in writing to the Collector of the District within which such Estate as aforesaid may be situate. On receipt of any such notice, it shall be competent to the Collector to assume the direct management of such Estate, or to let the same in farm.

Management of Estates of dissenting proprietors.

III. The provisions of Sections III and V, Regulation VII of 1822, shall apply to all Estates so taken under direct management or let in farm by the Collector; and also to all Estates which are now held under direct management, or let in farm.

Proprietors not giving notice to be responsible for revenue.

IV. All proprietors and shareholders of Estates situate within the said Districts, with regard to which notice shall not be given within the terms of Section II of this Act, are hereby declared to be liable to pay revenue in accordance with the terms of the existing Settlement during the term of thirty years from the expiration of the Umlee year 1274; and any arrears of such revenue shall be recoverable under the provisions of Act XI of 1859, and of every other Act for the time being in force for the recovery of arrears of revenue.

ACT No. XI of 1867.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th May 1867, and of the Governor-General on the 1st July 1867.)

An Act to provide from Rates to be levied in the Town of Calcutta the expense of the Police of that Town, and to enable the Corporation of the Justices of the Peace for the Town of Calcutta to apply a portion of the Municipal Fund of the said Town for the support of Pauper Hospitals.

1. *Justices may apply a certain sum for the support of Pauper Hospitals.*
2. *Commissioner of Police to prepare Budget.*
3. *Form of Budget.*
4. *Chairman to lay the Budget before the Justices.*
5. *Justices may pass, reject, or modify Budget, and the Budget as passed shall be submitted to the Lieutenant-Governor.*

6. *Power to bring in a supplemental Budget.*
7. *Amount of estimates to be paid to Government.*
8. *Commissioner to give accounts of Police expenditure.*
9. *Police rate to be paid in respect of property in Calcutta.*
10. *Mode of levying Police rate.*
11. *Power to assess owners in certain cases.*
12. *Owner to recover from occupier rates paid by owner.*
13. *Owner for recovering rates to have same power as for recovering rent.*
14. *Construction.*
15. *Commencement of Act.*

Preamble.

WHEREAS it is expedient that the expense of maintaining the Police Force of Calcutta, and of maintaining Pauper Hospitals in the said Town, should be defrayed by rates to be levied upon the said Town; It is enacted as follows:—

Justices may apply a certain sum for the support of Pauper Hospitals.

I. On and after the commencement of this Act, it shall be lawful for the Justices, if they shall at a Special General Meeting think fit, to apply out of the Municipal Fund of the said Town such sum as to them shall seem proper in or towards the maintenance and support of a Pauper Hospital or Pauper Hospitals.

Commissioner of Police to prepare Budget.

II. So soon conveniently may be after the passing of this Act, the Commissioner of Police for the Town of Calcutta shall transmit to the Justices as a Budget or Estimate of the expense of the Police Force of the Town of Calcutta, from the commencement of this Act up to the first day of January then next ensuing; and on or before the first day of September in each year, the said Commissioner shall transmit to the said Justices a Budget or Estimate of the expense of the said Police Force for the year commencing on the first day of January then next ensuing.

Form of Budget.

III. Such Budget shall show the various heads of the estimated expenditure of the said Police Force, and the intended distribution of the said Police Force in the said Town during the period to which it relates.

Chairman to lay the Budget before the Justices.

IV. The Chairman of the Justices shall forthwith, upon the receipt of any such Budget, or of any such supplemental Budget as hereinafter is mentioned, cause the same to be printed, and a copy thereof sent by post or otherwise to each of the Justices of the Peace resident within twenty miles of Government House; and not less than ten nor more than twenty days after the receipt of the first of such Budgets, or of any such supplemental Budget as hereinafter is mentioned, shall lay the same before a Special General Meeting of the Justices; and shall lay every subsequent yearly Budget before the Justices at the Quarterly Meeting of the Justices to be held in the month of October next after the receipt of the same.

Justices may pass, reject, or modify Budget and the Budget as passed shall be submitted to the Lieutenant-Governor.

V. It shall be in the discretion of the Justices to pass or to reject, or to modify, the estimates of all or any sums entered in the Budget, and the Budget as passed shall be submitted to the Lieutenant-Governor of Bengal.

Power to bring in a supplemental Budget.

VI. In case, during any period for which a Police Budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such Budget is insufficient to defray the necessary expense of the said Police Force for such period, it shall be lawful for the said Commissioner of Police to prepare a supplemental Budget for such period, and the provisions of the last three preceding Sections shall apply to such supplemental Budget.

Amount of estimates to be paid to Government.

VII. The amount of such estimates as may be so passed shall, after deducting therefrom such amount as may from time to time be allowed by the Government from the General Revenues towards the maintenance of the said Police Force, be paid to the said Lieutenant-Governor by the Justices out of the annual proceeds of the rate to be imposed as hereinafter is mentioned.

Commissioner to give accounts of Police expenditure.

VIII. On or before the first day of April in every year, the said Commissioner of Police shall present to the Chairman of the Justices, to be laid before the Justices at their next Monthly Meeting, an account of the expense of the Police Force of Calcutta for the year ending the thirty-first day of December then next preceding, and in case the amount which shall, during such year, have been paid to the said Lieutenant-Governor under the provisions hereinbefore contained, shall not have been expended in the maintenance of the said Force, the balance remaining unexpended shall be deemed to have been paid by the Justices in or towards discharging the expense of the said Police Force during the ensuing year.

Police rate to be paid in respect of property in Calcutta.

IX. For the purpose of providing for the amount hereinbefore directed to be paid to the said Lieutenant-Governor, and of providing for the cost of collection of such amount, it shall be lawful for the Justices to impose, in addition to any rates which may be payable under Act VI of 1863 or Act VI of 1866 passed by the Lieutenant-Governor of Bengal in Council, an annual Police rate upon all houses, buildings, and lands in the Town, not exceeding three per centum of their annual value. Provided that it shall be at the option of the Justices, in lieu of

such rate, to levy upon any land a fixed annual rate not exceeding one Rupee and four annas for every cottah.

Mode of levying Police rate.

X. Such rate shall be payable by the occupiers of the houses, buildings, lands, and huts, respectively subject thereto, by equal quarterly instalments.

Power to assess owners in certain cases.

XI. If any house or tenement shall be occupied by more than one tenant holding in severalty, or shall be of less annual value than one hundred Rupees, it shall be lawful for the Justices to assess the owner of such house or tenement, or the owner of the land on which such house or tenement may be situate, and to recover from such owner the rate imposed thereon under this Act.

Owner to recover from occupier rates paid by owner.

XII. Whenever any rate shall be recovered from or paid by any owner of any land, house, or tenement under the provisions of the Section next preceding, it shall be lawful for such owner, if there shall be but one occupying tenant of such land, house, or tenement, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and if there shall be more than one occupying tenant of such land, house, or tenement, to recover from each of such tenants, such sum as shall bear to the entire amount of rate which may have been so paid by such owner, the same proportion as the value of the portion of such land, house, or tenement in the occupation of such tenant bears to the entire value of such land, house, or tenement.

Owner for recovering rates to have same power as for recovering rent.

XIII. Every owner who, under the provisions of the Section next preceding, may be entitled to recover any sum from any occupying tenant of any land, house, or tenement or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such land, house, or tenement as may be in the occupation of such tenant.

Construction.

XIV. This Act shall be construed with, and as part of, the said Act VI of 1863.

Commencement of Act.

XV. This Act shall commence and take effect from the first day of April 1867.

ACT NO. I. OF 1868.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 12th May 1868, and of the Governor-General on the 30th idem.)

An Act to make further provision for the Survey of Steam Vessels plying within the Provinces subject to the Lieutenant-Governor of Bengal.

1. *Steam vessels to be liable to survey.*
2. *Power to appoint Ports of Survey.*
3. *Other Ports of Survey added to Calcutta in former Act.*
4. *Absence from and arrival at Port of Survey to be substituted for absence from and return to Calcutta.*
5. *Power to impose additional fees.*
6. *Power to investigate causes of explosions.*
7. *Examinations to be instituted for Engineers.*
8. *The examiners and Rules of Examination to be provided.*
9. *Certificates of Competency to be given.*
10. *Certificates of Service to be given.*
11. *No Certificate of Survey if vessels have not a Certificated Engineer.*
12. *Penalty for plying without a Certificated Engineer.*
13. *Power to exempt private Steam Vessels.*
14. *Withdrawal of Certificate.*
15. *English Certificates to be available.*
16. *Certificates to be made in duplicate.*
17. *Copy of Certificate to be delivered.*
18. *Short Title.*
19. *Commencement of Act.*
20. *Construction of Act.*

Preamble.

WHEREAS it is expedient to make further provision for the survey by competent Surveyors, and the management by competent Engineers, of Steam Vessels plying on the rivers or waters within the Provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

Steam vessels to be liable to survey.

I. For Section 1 of Act V of 1862, passed by the Lieutenant-Governor of Bengal in Council, entitled An Act to provide for the periodical survey of Steam Vessels in the Port of Calcutta, shall be substituted the words following:—

"All Steam vessels plying on any of the rivers or waters within the Provinces subject to the Lieutenant-Governor of Bengal, except Steam Vessels which may ply between some port within the said Provinces, and some port not in British India, shall be liable to be surveyed twice in every year in the manner prescribed in the said Act V of 1862."

Power to appoint Ports of Survey.

II. It shall be lawful for the Lieutenant-Governor, by an order to be published in the *Calcutta Gazette*, to appoint any ports or places, in the Provinces subject to his government, to be Ports of Survey for the purposes of the said Act V of 1862, and of this Act.

Other Ports of Survey added to Calcutta in former Act.

III. In Sections III, V, VI, and VII of the said Act V of 1862, the words "or any other Port of Survey" shall be deemed and taken to be inserted therein after the word "Calcutta," wherever the said word may occur in the said Sections; and from and after the passing of this Act, the said Sections shall be read and construed as if the said words had been so inserted.

Absence from and arrival at Port of Survey to be substituted for absence from and return to Calcutta.

IV. In Section XII of the said Act V of 1862, the words "shall not be in any Port of Survey" shall be substituted for the words "is absent from the Port of Calcutta;" and the words "arrival at some Port of Survey" shall be substituted for the words "return to the Port of Calcutta;" and the said Section shall, from and after the passing of this Act, be read and construed as if the said words so to be substituted had been originally inserted in the said Act, instead of the said words for which they are so to be substituted.

Power to impose additional fees.

V. It shall be lawful for the Lieutenant-Governor, from time to time, by an order to be published in the *Calcutta Gazette*, to direct that in any Port of Survey other than Calcutta, in addition to the fees imposed by the said Act V of 1862, there shall be paid, for every survey of a Steam Vessel in such port, by the owner or Master of such Steam Vessel such further fee, for or towards the expense of the journey of a Surveyor to such port, as in such order shall be set forth; and

from time to time in like manner to alter, vary, or revoke any such order; and every fee so to be payable shall be recoverable by the ways and means in the said Act provided for the recovery of the fees thereby imposed.

Power to investigate causes of explosions.

VI. Whenever any explosion shall occur on board of any Steam Vessel subject to this Act, it shall be lawful for the Lieutenant-Governor, if he shall think fit, to direct that an investigation of the cause of such explosion be made by such person or persons as he shall think fit. The person or persons authorized by the Lieutenant-Governor to make such investigation may enter into and upon such Steam Vessel with all necessary workmen and laborers, and remove any portion of such Steam Vessel, or of the machinery thereof, for the purpose of such investigation, and shall report the cause of such explosion.

Examinations to be instituted for Engineers.

VII. Examinations shall be instituted for persons who intend to become Engineers of Steamers, or who wish to procure Certificates of Competency hereinafter mentioned.

The Examiners and Rules of Examination to be provided.

VIII. The Lieutenant-Governor, or any Board or Officer duly authorized by him in that behalf, shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination, and may make rules for the conduct of such examinations, and as to the qualifications to be required, and the fees to be paid by all applicants for examination.

Certificates of Competency to be given.

IX. The Lieutenant-Governor, or such Board or Officer as aforesaid, shall deliver to every applicant who is reported by the Examiners to have passed the examination satisfactorily, a certificate (hereinafter called a "Certificate of Competency") to the effect that he is competent to act as Engineer.

Certificate of Service to be given.

X. Every person who, before the passing of this Act, has served for a period of not less than one year as first or only Engineer in any Steam Vessel, or who has attained or shall attain the rank of First Class Assistant Engineer in the Service of Her Majesty, shall be entitled to a Certificate of Service. Each of such Certificates of Service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered, and the Lieutenant-Governor, or such other authority as aforesaid, shall deliver such Certificates of Service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank, or to have served as aforesaid; and, upon their giving a full and satisfactory account of the particulars aforesaid, and on payment of such fees as the Lieutenant-Governor shall, by an order published in the *Calcutta Gazette*, from time to time direct.

No Certificate of Survey if vessels have not a Certificated Engineer.

XI. No Certificate of Survey under the said Act V of 1862, or of this Act, shall be granted for any steam vessel, unless it shall have as its Engineer an Engineer possessing a Certificate of Competency or a Certificate of Service.

Penalty for plying without a Certificated Engineer.

XII. The owner, and also the Master, of any Steam Vessel subject to this Act, which shall ply on any of the rivers or waters in the Provinces subject to the Lieutenant-Governor of Bengal, without having in charge of the engines thereof an Engineer possessing a Certificate of Service or a Certificate of Competency, shall be liable to a fine not exceeding five hundred Rupees.

Power to exempt private Steam Vessels.

XIII. It shall be competent to the Lieutenant-Governor of Bengal to exempt from the operation of Sections XI and XII any Steamer which does not ply with passengers or goods, or as a Steam Tug for hire.

Withdrawal of Certificate.

XIV. It shall be lawful for the Lieutenant-Governor, or such Board or authority as aforesaid, in case of the misconduct, negligence, or incompetency of any Engineer possessing a Certificate of Competency or a Certificate of Service, to cancel such Certificate, or to suspend the same for such time as to him or them shall seem fit.

English Certificate to be available.

XV. Every Engineer's Certificate of Competency or Service, which may be granted by any competent authority in the United Kingdom, shall have, in all respects, the same validity and effect as if the same had been granted under the provisions of this Act.

Certificate to be made in duplicate.

XVI. All Certificates, whether of Competency or Service, shall be made in duplicate, and one part shall be delivered to the person entitled to the Certificate, and the other shall be kept and recorded as the Lieutenant-Governor shall direct. A note of all orders made for cancelling, suspending, altering, or otherwise affecting any Certificate in pursuance of the powers herein contained, shall be entered in the record of Certificates.

Copy of Certificate to be delivered.

XVII. Whenever any Engineer proves to the satisfaction of the Lieutenant-Governor, or of such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any Certificate already granted to him, a copy of the Certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

Short Title.

XVIII. In citing this Act it shall be sufficient to use the expression, "The Steam Boat Survey Amendment Act, 1868."

XIX. This Act shall commence and take effect, as to Sections XI and XII, upon the 1st day of September 1868; and as to the residue thereof, on the 1st day of June 1868. Commencement of Act.

XX. This Act shall shall be read together with, and as part of, the said Act V of 1862. Construction of Act.

ACT No. II. of 1868.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 16th May 1868, and of the Governor-General on the 30th idem).

An Act to amend the District Municipal Improvement Act.

1. Remission on account of vacant houses. Proviso.
2. Construction.

WHEREAS it is expedient to exempt owners of unoccupied houses, in places subject to the provisions of the District Municipal Improvement Act, from some portion of the rate to which they are now liable in respect of such houses; it is enacted as follows:— Preamble.

I. When any house in any place shall have been vacant for sixty consecutive days during any year, the Municipal Commissioners shall remit so much, not exceeding one-half of the rate for that year, as may be proportionate to the number of days during which such house may have remained unoccupied. Provided that notice in writing shall have been given to the Municipal Commissioners of the vacancy of such house, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice to the end of the quarter then current. Provided also that no notice of vacancy given under this Section shall have effect beyond the end of the quarter in which it may be given, unless a similar notice of continued vacancy be given within the first fifteen days of the following quarter. Remission on account of vacant houses. Proviso.

II. This Act shall be read with, and as part of, the "District Municipal Improvement Act." Construction.

ACT NO. III. of 1868.

Passed by the Lieutenant-Governor of Bengal in Council.

(Received the assent of the Lieutenant-Governor on the 2nd June 1868, and of the Governor-General on the 16th idem.)

An Act to amend the Law respecting Appeals in cases under Regulation VII of 1822.

1. Appeals under Section 29 Regulation VII. 1822 to be presented within one month from date of decision appealed against.
2. Commencement of Act.

WHEREAS it is expedient that the period for presenting appeals under Section XXIX of Regulation VII of 1822 should be assimilated to the period for bringing appeals in other cases pending before the Revenue Authorities: It is enacted as follows:— Preamble.

I. No petition of appeal presented under the provisions of Section XXIX of Regulation VII of 1822, shall be received after the expiration of thirty days from the date of the decision against which such appeal is presented, unless sufficient cause shall be shown for the delay to the satisfaction of the authority to which such appeal is presented. The days shall be reckoned from and exclusive of the day on which the decree was passed, and also exclusive of such time as may be requisite for obtaining a copy of the order appealed against. Appeals under Section 29 Regulation VII. 1822 to be presented within one month from date of decision appealed against.

II. This Act shall commence and take effect from the 1st day of September 1868. Commencement of Act.

ACT No. IV. OF 1868.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 8th June 1868, and of the Governor-General on the 24th idem.)

An Act to amend the provisions of Act IX of 1847 (An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar, and Orissa).

1. *Repeal of Section.*
2. *Accessions to island to be considered increment thereto.*
3. *Newly thrown up islands to be assessed.*
4. *Subsequent junction to mainland not to affect Government right.*
5. *Power to apply for ways across islands.*
6. *Applicant for ways to deposit money, and ways to be made.*
7. *Costs of ways how to be borne.*
8. *Ways to be public.*

Preamble.

WHEREAS it is expedient to amend the provisions of Act IX of 1847; It is enacted and declared as follows :—

Repeal of Section.

I. Section VII of the said Act IX of 1847 is hereby repealed.

Accessions to island to be considered increment thereto.

II. It is hereby declared that when any island shall, under the provisions of Clause 3 Section IV of Regulation XI of 1825 of the Bengal Code, be at the disposal of Government, all lands gained by gradual accession to such island, whether from a recess of the river or of the sea, shall be considered an increment to such island, and shall be equally at the disposal of Government.

Newly thrown up islands to be assessed.

III. Whenever it shall appear to the local Revenue authorities that an island has been thrown up in a large and navigable river liable to be taken possession of by Government under Clause 3 Section IV of Regulation XI of 1825 of the Bengal Code, the local Revenue authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Board of Revenue, whose order thereupon, in regard to the assessment, shall be final. Provided, however, that any party aggrieved by the act of the Revenue authorities in taking possession of any island as aforesaid, shall be at liberty to contest the same by a regular suit in the Civil Court.

Subsequent junction to mainland not to affect Government right.

IV. Any island of which possession may have been taken by the local Revenue authorities on behalf of the Government under Section III of this Act, shall not be deemed to have become an accession to the property of any person by reason of such channel becoming fordable after possession of such island shall have been so taken.

Power to apply for ways across islands.

V. Whenever an island, of which possession shall have been taken by Government under Section III of this Act, shall become attached to the mainland, any person having an estate or interest in any part of the riparian mainland to which such island may become attached while it is in the possession of the Government, may apply to the Collector to take measures for the construction of ways, paths, and roads on the island; the costs thereof to the equally divided between the applicant and the Government.

Applicant for ways to deposit money, and ways to be made.

VI. Thereupon the Collector may require the applicant to make such deposit of money as to the Collector shall seem sufficient, and on such deposit being made, the Collector shall proceed to lay out and construct such ways, paths, and roads in and through the island as he may deem necessary for securing access to the river or sea from the land to which the island may have become attached.

Costs of ways how to be borne.

VII. In every case the applicant shall be liable to pay and make good to the Government one-half of the costs of laying out and constructing such ways, paths, and roads as aforesaid, and any moneys due from the applicant under the provisions of this Section may be deducted and retained by the Collector out of the deposit so made by the applicant as aforesaid.

Ways to be public.

VIII. Every way, road, and path, which shall be laid out or appointed under the provisions aforesaid, shall be deemed a public highway.

ACT No. V. OF 1868.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 30th June 1868, and of the Governor-General on the 9th July 1868.)

An Act for subjecting the Southern portion of Hastings to the provisions of the Municipal Acts of Calcutta.

1. Southern portion of Hastings to be subject to Calcutta Municipal Acts.
2. Commencement of Act.
3. Construction.
4. Short Title.

Preamble.

WHEREAS it is expedient that the various powers conferred upon the Justices of the Peace for the Town of Calcutta should be exercised in the Southern portion of Hastings, formerly called Coolie Bazar, and that all taxes, rates, assessments, and impositions, leviable in other portions of Calcutta, should be extended thereto; It is enacted as follows :—

Southern portion of Hastings to be subject to Calcutta Municipal Acts.

I. From and after the commencement of this Act, all that portion of Hastings, formerly called Coolie Bazar, bounded on the North by Clyde Row, on the South by Tolly's Nullah, on the East by the road leading from Kidderpore bridge to Clyde Row, and on the West by the Strand Road, shall be, and shall be deemed to be, a portion of the Town of Calcutta, and all the provisions in the several Acts and portions of Acts in the Schedule hereto set forth shall apply thereto, so far as the same respectively may, for the time being, be in force in the Town of Calcutta, any thing contained in Section XXII of Act IX of 1867, passed by the Lieutenant-Governor of Bengal in Council, to the contrary notwithstanding.

Commencement of Act.

II. This Act shall commence and take effect upon the first day of July 1868.

Construction.

III. This Act shall be read with, and as part of, Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to vest the property of the Town of Calcutta and the management of its Municipal affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town, and for the levying of rates and taxes therein.

Short Title.

IV. This Act shall be called "The Hastings Municipal Act, 1868."

SCHEDULE.

No. of Act.	Title of Act.	How far applicable.
Act VI of 1863, (B. C.) ...	An Act to vest the property of the Town of Calcutta and the management of its Municipal affairs in a Corporation, and to make better provision for the Conservancy and Improvement of the Town, and for the levying of rates and taxes therein.	The whole Act save so far as modified by subsequent Acts.
Act VI of 1866, (B. C.) ..	An Act to amend Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council.	
Act I of 1867, (B. C.) ...	An Act to explain and amend Act VI of 1863, of the Lieutenant-Governor of Bengal in Council.	
Act IX of 1867, (B. C.) ...	An Act to amend Act VI of 1863, and Act VI of 1866, passed by the Lieutenant Governor of Bengal in Council.	The whole Act except Section XXII.
Act XI of 1867, (B. C.) ..	An Act to provide from rates to be levied in the Town of Calcutta the expense of the Police of that Town, and to enable the Corporation of the Justices of the Peace for the Town of Calcutta to apply a portion of the Municipal Fund of the said Town for the support of a Pauper Hospital.	The whole Act.

ACT No. VI. OF 1868.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

BENGAL SECRETARIAT LIBRARY.

(Received the assent of the Lieutenant-Governor on the 7th July 1868, and of the Governor-General on the 25th idem.)

An Act to provide for the better regulation of the Police in Towns under the control of the Lieutenant-Governor of Bengal, and for the Conservancy and Improvement thereof.

1. *Intrepretation.* "*Magistrate of the District.*" "*Magistrate.*" "*House.*" "*Bazaar.*" "*Place.*" "*Town.*" "*Year.*"
2. *To what places the Act shall apply.*
3. *Act XXVI of 1850, Act XX of 1856, and Act VI of 1867 (B. C.) repealed. Existing assessment to continue to be levied until revised according to this Act.*
4. *Act not to extend to agricultural villages.*
5. *Government may define limits of Town. Houses let to lodgers, how to be assessed. Magistrate may exempt occupiers unable to pay the assessment or rate.*
6. *No assessment upon owners.*
7. *No assessment in respect of appurtenant tenements.*
8. *Police in Towns to be appointed under this Act V of 1866.*
9. *Police paid under Act not to be employed beyond Town.*
10. *Police to be paid monthly.*
11. *Maximum amount chargeable on account of Police.*
12. *Constitution of Town Fund.*
13. *Application of Town Fund.*
14. *Police Estimate to be prepared.*
15. *Magistrate to prepare an Estimate.*
16. *Magistrate to add amount for contingencies.*
17. *Estimates to be published.*
18. *Estimates to be transmitted to Magistrate of District and Commissioner of Division.*
19. *Commissioner of Division to decide on Estimates.*
20. *Amount of approved Estimates to be the amount to be levied under this Act.*
21. *Power to extend Act during currency of year.*
22. *Town Committees to be appointed.*
23. *Power to appoint Ward Committees.*
24. *Mode of appointing Committees. Proportion of Official Members.*
25. *Power to appoint Ex-Officio Members.*
26. *Power to elect President and Vice-President.*
27. *Who to preside at Meetings of the Committee.*
28. *Quorum.*
29. *The Chairman or Vice-Chairman to exercise, with certain exceptions, the powers of the Committee.*
30. *Power to appoint Secretary.*
31. *Rotation of Member.*
32. *Mode of calculating whole number of Committee.*
33. *Calculation of number of Members to retire annually.*
34. *Appointment of new Members.*
35. *Power to fill vacancies.*
36. *Member of Committee removable on application of tax-payers.*
37. *Power to remove Members of Committee.*
38. *Duties of Town Committee.*
39. *Duties of Ward Committees.*
40. *If Committee refuse or omit to act, Magistrate may assume their functions.*
41. *Power to appoint Magistrate to be Chairman of Committee.*
42. *Certain Committees to have powers of Magistrate in certain cases.*
43. *Certain Town Committees to be Corporations.*
44. *Nature of tax to be levied.*
45. *Power to order assessment.*
46. *Apportionment of assessment among several Wards.*
47. *Power to issue requisition.*
48. *Duties of Committee in assessing.*

49. Committee may be required to revise existing assessment.
50. Town Committee to examine assessment of Ward Committee.
51. Magistrate may amend and settle assessment as made or revised by the Town Committee.
52. Assessment to be published.
53. Assessment to stand good for three years. Change of occupation before a new assessment.
54. Power to adopt old assessment.
55. Old assessment to be continued if new not made.
56. Notice of adoption of old assessment to be given.
57. Appeal from assessment made by Town Committee. Limitation of appeal.
58. Appeal against assessment when Magistrate a Member of Committee.
59. Appeals from assessments made by Ward Committees.
60. Power to assess on account of newly occupied tenement.
61. Power to apply for reduction of assessment in altered circumstances.
62. Commissioner of Division may direct revision of assessment.
63. Magistrate may direct Supplementary Estimates.
64. Power to Magistrate of District to compel further assessment.
65. Publication of assessment as revised under Sections LXII., LXIII., and LXIV.
66. Appointment of Tax Collectors and other Establishment.
67. Magistrate to make rules.
68. Tax Collector to prepare Assessment Register.
69. Payment of tax by instalments.
70. Tax Bills to be presented.
71. Receipts to be given.
72. Tax Collector to remit collections.
73. Recovery of taxes.
74. Sale how to be conducted. Proceeds how to be applied. Costs.
75. Sale of property beyond limits of Town, &c.
76. All goods found on premises liable to sale. But owner of goods to be indemnified by the defaulter.
77. No person employed in collection of tax to buy distrained goods.
78. Magistrate to keep account of distresses and sales.
79. Accounts to be prepared.
80. Removal of property to be fraudulent.
81. Fines how to be disposed of.
82. Conservancy of powers.
83. Power to recover expenses.
84. Powers of Conservancy in places to which Act not extended.
85. Service of notices.
86. Magistrate may bring suit instead of distraining, or on failure of distress
87. Power to make compensation out of Town Fund.
88. No action to be brought against the Magistrate or his officers until after one month's notice of cause of action.
89. No charge to be instituted under this Act, without consent of Magistrate.
90. Assessment not to be impeached, if the directions of the Act are in substance complied with.
91. Distress not unlawful for want of form.
92. Proceedings of Magistrate of District and commissioner of Division respectively, subject to control of Lieutenant-Governor.
93. Short title.

Preamble.

WHEREAS it is expedient to amend and consolidate the law for the regulation of the Police in Towns, in the Provinces under the control of the Lieutenant-Governor of Bengal, to which the District Municipal Improvement Act may not be extended, and for the Conservancy and Improvement of such Towns ; It is enacted as follows :—

Interpretation.

1. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, that is to say ;—

"Magistrate of the District."

The words "Magistrate of the District" shall mean the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

"Magistrate."

The word "Magistrate" shall mean the officer exercising all or any of the powers of a Magistrate, and charged with the immediate executive administration in criminal matters in any sub-division of a District, within which any place to which this Act may be extended may be situated, by whatsoever designation such

officer is called. In respect to any such place which is not situated within a sub-division of a District, the powers by this Act conferred on the Magistrate may be exercised by the Magistrate of the District, or by a Joint-Magistrate.

"House." The word "House" shall include any shop or warehouse.

"Bazaar." The word "Bazaar" shall mean any place of trade at which there is a collection of permanent shops or warehouses.

"Place." The word "Place" shall mean any town, suburb, bazaar, station, or tract of country.

"Town." The word "Town" in the following Sections of this Act shall mean any Place to which the provisions of this Act may be extended as hereinafter provided.

"Year." The word "Year" shall mean the period of twelve months immediately following any date which may from time to time hereafter be fixed by the Government by Notification in the Official Gazette as the commencement of the year for the purposes of this Act.

PART II.

Preliminary.

To what places the Act shall apply. II. The provisions of this Act shall have effect in every Place to which the Government at any time may extend the same by Notification in the Official Gazette.

Act XXVI of 1850, Act XX of 1856, and Act VI of 1867 B. C. repealed. III. When and so soon as this Act may be extended to any Place, the provisions of Act XXVI of 1850, and of Act XX of 1856, respectively passed by the Governor-General of India in Council, and of Act VI of 1867, passed by the Lieutenant-Governor of Bengal in Council, shall cease to have effect in such Place.

Existing assessment to continue to be levied until revised according to Act. Provided always that any assessment, rate, or tax which may be in force under the said Acts, or any of them, in any Town at the time when this Act may come into operation in such Town, shall continue to be levied under the procedure in those Acts until an assessment under the provisions hereinafter contained shall be in force in such Town, and that all the powers and provisions in and by those Acts, or any of them, conferred for the recovery of arrears of assessments, rates, or taxes under those Acts or any of them, shall, notwithstanding that this Act may have come into operation in such Town, continue to be in force for the recovery of such arrears until all such arrears shall have been recovered or shall have ceased to be recoverable, and all arrears so collected shall become part of the Town Fund of such Town, and may be expended for any of the purposes of this Act. Provided also that any sum which may have been levied, or which may hereafter be levied, in any Town under any of the said Acts in excess of the sum which may be required for the payment of the Police, shall become part of the Town Fund of such Town, and may be expended for any of the purposes of this Act. Provided, further, that no claim on account of arrears under any Act which may be superseded by this Act shall be enforced after three years from the period of such arrears becoming due.

Act not to extend to agricultural villages. IV. Nothing herein contained shall authorize the extension of this Act to any village inhabited by persons more than one-half of whom may be employed in agriculture only, or dependant for support on persons so employed, or habitually exercising trades and occupations only for the use of persons so employed.

Government may define limits of Town. V. For the purposes of this Act, the Government may define and declare the limits of any Town, and all occupiers of houses, buildings, and lands within any Town, shall be liable to be assessed according to the provisions of this Act.

Houses let to lodgers, how to be assessed. Provided that if any house or building be let out in portions to different persons, or be let out to, or occupied by, lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall, for the purposes of this Act, be deemed to be the occupier of such house.

Magistrate may exempt occupiers unable to pay the assessment or rate. Provided also that the Magistrate may, at his discretion, exempt from the assessment, or may relieve from the payment of his assessment, any occupier who may be unable from poverty to pay the same, and that no person shall be liable to any assessment under this Act by reason only of his occupancy within the limits of any such Town of arable lands or lands used for pasture only, or by reason only of his occupation of any edifice used only for the purpose of religious worship.

No assessment upon owners. VI. No person shall be assessed by reason only of his being owner of any house, building, or land within any Town, whether such house, building, or land be or be not occupied.

No assessment in respect of appurtenant tenements. VII. No person assessed as being occupier of any house, shall be separately assessed in respect of his occupation by himself or his servants of any out-house, building, barn, cook-room, store-room, cow-house, stable, shop, warehouse, orchard, garden, tank, or other appurtenance to such house appertaining, and not separated from such house by land occupied by any other person.

PART III.

Constitution of Police Force.

Police in Towns to be appointed under Act V of 1861.

VIII. All Police Officers appointed or employed in any Town shall be appointed under the provisions of Act V of 1861, passed by the Governor-General of India in Council, or of any other Act which may for the time being be in force for the regulation of the Police in the Police District within which the said Town may be situated, and shall be deemed to be a portion of the Police Establishments under the Government of Bengal, and shall be subject to the provisions of such Acts, except as hereinafter is provided.

Police paid under Act not to be employed beyond Town.

IX. No Police Officer, who forms part of the strength of the Town Police for which the Estimate mentioned in Section XIV of this Act may have been calculated, shall be liable to serve beyond the limits of the Town, save in execution of duties imposed on him by his employment as a Police Officer of such Town.

Police to be paid monthly.

X. As soon as possible after the close of each month, the District Superintendent of Police shall, as regards each Town, present to the Magistrate, in whose jurisdiction such Town may be situated, a Bill showing the actual expenses incurred during the preceding month in the payment of the said Force, and the contingent expenses thereof; and the said Magistrate, on being satisfied that the Bill is substantially in accordance with the Estimate for such Town, shall cause the amount of such Bill to the paid to the District Superintendent from the Town Fund, constituted as hereinafter provided.

Maximum amount chargeable on account of Police.

XI. The total amount which shall be chargeable to the Town Fund for the cost of any Police Force which may be sanctioned by the Government for employment within any Town, including the contingent expenses of such Force, shall not exceed the average rate of one Rupee and eight Annas per annum for each house in such Town. Provided that the number of Police Officers appointed shall not be greater than one superior Officer for every fifteen Constables, and one Constable for every fifty houses.

PART IV.

Constitution and application of the Town, Fund, and preparation and settlement of Estimate.

Constitution of Town Fund.

XII. The proceeds of every assessment to be levied under this Act in any Town, together with any sums which may be assigned by the Government or by any person for the purposes of this Act, or which may otherwise become applicable to the purposes of this Act, and all sums which may at the time of the passing of this Act be standing to the credit of any fund under any of the Acts enumerated in Section III of this Act, shall constitute a fund which shall be called the "Town Fund" of such Town; and shall be under the control of the Magistrate, and shall be applied by him for the purposes of this Act.

Application of Town Fund.

XIII. After provision shall have been made out of the Town Fund for the necessary costs of assessment and collection of all sums leviable under this Act, the Town Fund of every Town shall be primarily applied in payment of the amount which, under the provisions of this Act, may be chargeable to such Fund for the cost of the Police Force employed in such Town, and, subject thereto, the same shall be applied in or towards the construction and maintenance of the roads and communications in such Town, in or towards the conservancy and general improvement of the Town, in or towards vaccination, in or towards the establishment and maintenance of Dispensaries or Hospitals, or for all or any of the purposes aforesaid, or otherwise in giving effect to the provisions of this Act.

Police Estimate to be prepared.

XIV. As soon as possible after the close of the fifth month of every year, the Magistrate of every District, in which there may be a Town, shall prepare, or cause to be prepared, separately, as regards each Town in his District, in such form as may from time to time be directed by the Government, a statement showing the total strength of the Police Force as sanctioned by the Government for employment within such Town, under Act V of 1861 or any other Act for the time being in force, and giving an estimate of the expenditure on account of salaries and contingent expenses of the said Force during the following year. This statement shall be forwarded to the Magistrate in order that it may be laid before the Town Committee, and incorporated into the aggregate estimate for all purposes of this Act, as hereinafter provided.

Magistrate to prepare an Estimate.

XV. As soon as possible after the close of the fifth month of each year, the Magistrate, after consulting the Members of the Town Committee to be appointed as hereinafter provided, shall prepare a statement in such form as may from time to time be directed by the Government, showing the estimate for the expenditure to be incurred in such Town in the following year for all purposes of this Act, other than the payment of the Police Force, and shall also, after consulting the

Members of such Town Committee, add any sum by which there may be reason to believe that the assets of the Town Fund will fall short of the actual expenditure of the year then current.

Magistrate to add amount for contingencies.

XVI. To the estimates prepared under the two preceeding Sections, the Magistrate, after consulting the members of the Town Committee, shall add a reasonable sum to provide for the contingency of losses from defaulters; and the sums estimated under this and the two preceding Sections shall constitute the aggregate Estimates for the Town.

Estimates to be published.

XVII. Copies of the aggregate Estimates for any Town which shall have been prepared under the provisions of Sections XIV, XV, and XVI, and if necessary, translations thereof into the vernacular of the District, shall be lodged in the offices of the Magistrate of the District and of the Magistrate, and at some convenient place within such Town. During fourteen days after such Estimates shall have been so lodged in the said offices, of which due notice shall be publicly given, such Estimates and translations in the vernacular of the District, shall be open to inspection at all reasonable times and seasons by any rate-payer of such Town who may desire to inspect the same.

Estimates to be transmitted to Magistrate of District and Commissioner of Division.

XVIII. As soon as is practicable, after the expiration of the said fourteen days, the Magistrate shall transmit to the Magistrate of the District the said Estimates, with any remarks or objections thereupon which may have been recorded by himself or by the Town Committee at a Meeting. The Magistrate of the District, after considering any objections which may have been made, and after having made any alteration in the Estimates in accordance with such objections which may appear to him advisable, shall transmit to the Commissioner of the Division the said Estimates, together with any remarks or objections made by the Magistrate or the Town Committee, and his own opinion thereon.

Commissioner of Division to decide on Estimates.

XIX. The said Commissioner of the Division shall consider the Estimates so transmitted to him, and may approve or reject, or modify and approve as modified, such Estimates or any part thereof, provided that the total amount of the Estimate passed by him for the cost of Police shall not exceed the maximum which may be levied under this Act for that purpose as prescribed by Section XI, and provided that the total amount of the entire Estimate passed by him for all purposes shall not exceed the maximum prescribed in Section XLIV of this Act.

Amount of approved Estimates to be the amount to be levied under this Act.

XX. The amount passed in such Estimates, when the same shall have been finally approved by the Commissioner of the Division, shall be held to be the total amount required to be levied for the purposes of this Act for the year for which such Estimates shall have been presented.

Power to extend Act during currency of year.

XXI. Whenever the Government shall extend this Act to any Town, it shall be lawful for the Government by an order to declare the respective dates after which the several Estimates to be prepared in pursuance of Sections XIV and XV of this Act shall, for the first time, be prepared in such Town, and such Estimates shall accordingly be prepared at such periods; and such assessments and proceedings shall be had thereupon as herein are provided with respect to the assessments and proceedings to be had upon Estimates prepared as soon as possible after the close of the fifth month in any year. It shall also be lawful for the Government to declare the date from which the assessment to be made under the provisions of this Act shall first take effect. Provided that the amount of tax to be levied, in respect of any portion of the year which shall remain unexpired on the date from which such first assessment may take effect, shall not bear a greater proportion to the maximum amount leviable under this Act on account of a whole year, than such unexpired portion of a year shall bear to a whole year.

PART V.

Constitution and duties of Town and Ward Committees.

Town Committees to be appointed.

XXII. So soon as this Act comes into operation in any Town, there shall be appointed not less than five persons, being owners of lands, houses, or buildings in such Town, or carrying on business therein, or residing in such Town, or within five miles from some part of the boundary thereof, to be Members of the Town Committee of such Town.

Power to appoint Ward Committees.

XXIII. It shall be lawful for the Magistrate, in case he shall see fit so to do, to divide any Town into Wards, and thereupon there shall be appointed for each Ward of such Town not less than three persons qualified to be Members of the Town Committee thereof, whether such persons be or be not Members of the Town Committee for the time being, to be Members of the Ward Committee of such Ward.

Mode of appointing Committees.

XXIV. The Members of every Town Committee and Ward Committee shall from time to time be nominated and appointed by such persons and in such manner as shall be directed by any orders which may be from time to time passed in that behalf by the Government of Bengal; and unless, and until, such orders shall be passed, shall be nominated and appointed by the Magistrate of the Dis-

Proportion of Official Members.

trict with the sanction of the Commissioner of the Division. Provided that not more than one-third (omitting fractions) of the whole number of the Town Committee shall be persons holding, in the Judicial, Police, or Revenue Departments of the Government Service, salaried offices, of which the functions are exercised within the District in which the Town is situated, unless such persons be elected to be Members of such Committee otherwise than by appointment of the Government or of any officer of Government.

Power to appoint Ex-Officio Members.

XXV. Subject to the above restrictions as to numbers, the Government may appoint, by Notification in the Calcutta Gazette, that the persons for the time being exercising the functions of the offices to be named in such Notification, shall be *Ex-Officio* Members of the Committee for every Town to which the official functions of the Members so appointed may extend.

Power to elect President and Vice-President.

XXVI. Subject to the provisions hereinafter contained, every Committee shall elect one of its Members to be Chairman and another to be Vice-Chairman. Such appointments shall have effect from the date of appointment, and for one year computed from the first day of the year next following the date of such appointment.

Who to preside at Meetings of the Committee.

XXVII. The Chairman, or, in his absence, the Vice-Chairman, shall preside at every Meeting of the Town Committee; and in the absence of both the Chairman and Vice-Chairman, the Town Committee, and in all cases every Ward Committee, shall choose some one of their number to preside. In cases of equality of votes, the President shall have a casting vote, and all questions which may come before a Committee at any Meeting shall be decided by a majority of votes.

Quorum.

XXVIII. No business shall be transacted at a Meeting of a Committee unless at least three Members of the Committee be present.

The Chairman or Vice-Chairman to exercise, with certain exceptions, the powers of the Committee.

XXIX. The Chairman shall, for the transaction of the business connected with, or making any order authorized by this Act, exercise all the powers vested by this Act in the Town Committee: and it shall be lawful for the said Chairman, by order in writing, to empower the Vice-Chairman also to exercise all or any of the said powers. Provided that it shall not be lawful for the Chairman or Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Committee at a Meeting, save according to the provisions of Section XL.

Power to appoint Secretary.

XXX. Every Town Committee may appoint a Secretary of such Committee.

Rotation of Members.

XXXI. When a Town Committee or Ward Committee shall for the first time be appointed in any Town or any Ward, one-third of the whole number of Members thereof shall retire at the end of one year, and another third of the whole number at the end of two years, and the rest at the end of three years, to be computed from the first day of the year next following the date of the appointment of such Committee. The Members who shall retire at the end of the first and second years, respectively, shall be decided by lot. But nothing in this Act shall prevent any person qualified as in Section XXII appears from being re-appointed to serve on a Town Committee either immediately on his retirement or at any other time.

Mode of calculating whole number of Committee.

XXXII. In calculating the whole number of Members contained in a Town Committee for the purposes of Section XXXI and XXXIII, all Ex-Officio Members, and the Magistrate when he may be a Member of such Committee, shall be excluded, and such Ex-Officio Members and Magistrate shall remain Members of such Committee so long as they continue to hold the respective offices by virtue of which they are respectively Members of such Committee.

Calculation of number of Members to retire annually.

XXXIII. The number of Members to retire in each year, in case the whole number of Members ascertained as aforesaid be not evenly divisible by three, shall be ascertained by reference to Schedule (A), hereto annexed. [5]

Appointment of new Members.

XXXIV. As soon as possible after the Estimates for the following year shall have been submitted as provided in Section XVIII of this Act, there shall be appointed in every Town, to serve from the day of the commencement of the year then next ensuing, as members of every Town Committee and Ward Committee thereof, such number of persons qualified as in Section XXII appears, as shall be equal to the number of Members of such Town Committee or Ward Committee whose functions shall cease upon the last day of the year then current.

Power to fill vacancies.

XXXV. Whenever any Member of a Town Committee or of a Ward Committee shall, during the term for which he has been appointed, die, or be removed, or be discharged from his said office, or shall refuse or decline or become incapable to act therein, another person, qualified as in Section XXII appears, shall be appointed to serve upon such Town Committee or Ward Committee, for the residue of the time for which the person so dying, or being removed or discharged, or declining or becoming incapable to act as aforesaid, shall have been appointed.

XXXVI. If any number not less than one-third of the persons who may be taxed in any Town or Ward for which a Committee shall be appointed, and whose assessments shall have been fully paid up, shall make an application in writing to the Magistrate of the District for the removal of any Member of the Committee appointed for such Town or Ward, the Government, if it think proper so to do, may remove such Member from the Committee.

Member of Committee removeable on application of tax-payers.

XXXVII. It shall be lawful for the Government, for any cause which it may deem sufficient, to remove any Member of any Town Committee or Ward Committee.

Power to remove Members of Committee.

XXXVIII. The duties of every Town Committee appointed as hereinbefore provided shall be—

Duties of Town Committee.

(1).—To consult and advise with the Magistrate, in regard to the arrangements and establishments required for the assessment and collection of the tax to be imposed in the Town; the works to be undertaken for the construction, maintenance, and improvement of roads and communications; the measures to be adopted for the conservancy and general improvement of the Town, and generally in regard to the application of so much of the Town Fund as may be available for purposes other than the payment of the Police; and in preparing the estimates for the purposes of this Act other than the payment of the Police as hereinbefore provided:

(2).—To examine the aggregate Estimates after they have been prepared under Section XVI of this Act, and to record their remarks or objections thereto for the consideration of the Magistrate of the District and the Commissioner of the Division.

(3).—In any Town in which Ward Committees may not have been appointed, to make the assessment on the inhabitants of the Town as afterwards prescribed in this Act, and to revise the same when required as provided in this Act:

(4).—To examine the accounts of the Town Fund when laid before them according to the provisions of this Act, and to record remarks thereupn for the consideration of the Magistrate of the District and the Commissioner of the Division:

(5).—To perform any of the duties and to exercise any of the powers of the Magistrate under this Act, which may be imposed and conferred on them by the Government of Bengal under Section XLII of this Act.

XXXIX. Whenever Ward Committees shall be appointed in any Town, the duty of each Ward Committee shall be to make the assessment prescribed by Section XLVIII upon the inhabitants of the Ward for which it is appointed, and to revise the same when required as provided in Section XLIX of this Act; and in such case the Town Committee shall not make any such assessment or any revision under the said Section.

Duties of Ward Committees.

XL. If a Town Committee or a Ward Committee refuse or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform any duty legally required of it, the Magistrate may himself perform that duty, and exercise the functions of such Town Committee or of such Ward Committee, and may appoint such paid officers as he may require to perform such duties and exercise such functions on his behalf; and all acts done and orders passed by the Magistrate while exercising such functions, shall have the force of acts done and orders passed by such Town Committee or Ward Committee. Provided that the functions of such Committee shall not thereby absolutely cease and determine, but may be resumed at any time, but not so as to invalidate any act done by the Magistrate under this Section.

If Committee refuse or omit to act, Magistrate may assume their functions.

XLI. Notwithstanding any thing to the contrary in Section XXVI or in any other Section of this Act contained, the Government may appoint the Magistrate to be a permanent Member and Chairman of the Town Committee: and it shall be competent to such Chairman, although he may not have been present at a Meeting, to give his vote in writing on any subject discussed at a Meeting of the Committee on which the votes of the Members who attended the Meeting shall have been equally divided.

Power to appoint Magistrate to be Chairman of Committees.

XLII. When the Government under the preceding Section may have appointed the Magistrate to be Chairman of a Town Committee, it shall be competent to the Government to declare that all or any of the powers and authorities which are vested in the Magistrate, and the duties which are imposed upon him by the Sections enumerated in Schedule (B) to this Act annexed, or by any of them, shall be vested in and exercised by the Town Committee at a Meeting; and that all or any of the powers and authorities vested in the Magistrate, and the duties imposed on him by the Sections enumerated in Schedule (C) to this Act annexed, shall be vested in and performed by the Town Committee; and with respect to any matter which may be so transferred, the powers, authorities, and duties of the Magistrate

Certain Committees to have powers of Magistrate in certain cases.

shall cease, except as provided in Section XL of this Act. Provided always that nothing herein contained shall be deemed to confer upon any Town Committee any power to impose a fine.

Certain Town Committees to be Corporations.

XLIII. Every Town Committee of which the Government shall appoint the Magistrate to be the Chairman shall be a Corporation, and shall be called the "Town Committee" of the Town for which it is appointed, and shall have a common seal, bearing the name of such Corporation, and shall execute all documents and writings by affixing such common seal thereto.

PART VI.

Of the nature of the tax to be levied, and of its assessment.

Nature of tax to be levied.

XLIV. The tax to be levied in any Town for the purposes of this Act shall be an assessment according to the circumstances, and the property to be protected, of the persons liable to the same: provided that the total sum to be raised by such tax in any year shall not exceed the sum which would be produced by an average rate of two Rupees and four Annas per annum for each holding; and the amount assessed in respect to any one holding shall not be more than seven Rupees per mensem.

Power to order assessment.

XLV. As soon as the Estimates for any year shall have been approved as provided in Section XIX of this Act, the Magistrate of the District shall require, by an order in the form in Schedule (D,) that an assessment under the provisions of this Act be made on all who are liable to it. Provided that if the Town Committee shall not, within the period provided in Section XVII of this Act, have recorded any objection against the Estimates as published by the Magistrate, or if any objection, which may have been so made, shall have been withdrawn, it shall be lawful for the Magistrate of the District to make the order aforesaid immediately on the expiration of the said period, and without waiting for the approval of the Estimates by the Commissioner of the Division. Every such order shall, so soon as conveniently may be after it is made, be filed in the Office of the Magistrate.

Apportionment of assessment among several Wards.

XLVI. So soon as reasonably may be, after any such order shall have been filed in the Office of the Magistrate, such Magistrate, shall, in case the Town be divided into Wards, require the Town Committee to apportion among the several Wards of the Town the total amount of the Estimates, so as to determine the portion of the entire Estimates to be raised from each of such Wards.

Power to issue requisition.

XLVII. The Magistrate shall, in case the Town be not divided into Wards, so soon as reasonably may be after filing such order, by a requisition in the form in Schedule (E,) or to the like effect, require the Town Committee within three months to make an assessment under the provisions of this Act on all who are liable to it, such that the total amount assessed shall be not less than the amount of the Estimates of expenditure in the Town for the year; and in case the Town shall be divided into Wards, the Magistrate shall, so soon as conveniently may be after the total amount of the Estimates shall have been apportioned among the several Wards as hereinbefore is provided, by a requisition in like form or to the like effect, require the several Ward Committees to make assessments under the provisions of this Act in their respective Wards upon all who may be liable to such assessment, such that the total amount to be assessed in each Ward shall not be less than the amount determined as the amount to be raised from it according to the provisions in Section XLVI. contained.

Duties of Committee in assessing.

XLVIII. Immediately on the receipt of the Magistrate's requisition, the Town Committee or Ward Committees, as the case may be, shall prepare and make an assessment upon the several persons liable to be assessed within the Town or Ward for which such Committee shall be appointed, and shall enter the same in a list, which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person.

Committee may be required to revise existing assessment.

XLIX. The Town Committee or Ward Committees shall, if required by the Magistrate so to do, instead of making a new assessment for any year, revise and amend the assessment then in force; provided that the total amount of the assessment so revised shall not be less than the total amount of the expenditure passed in the Estimate for carrying out the provisions of this Act during the year.

Town Committee to examine assessment of Ward Committee.

L. When any assessment shall have been made, or shall have been revised or amended under Section XLIX of this Act, by any Ward Committee, such Ward Committee shall forthwith forward to the Town Committee the list containing the same, and such Town Committee shall examine, and, if necessary amend and settle it.

LI. When an assessment shall have been made, or amended and revised under Section XLIX. of this Act, directly by any Town Committee, and not by a Ward Committee, such Town Committee shall forward to the Magistrate the list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.

Magistrate may amend and settle assessment as made or revised by the Town Committee.

LII. When the assessment in any Town shall have been so settled as provided by the preceding Sections, the Magistrate shall sign the list, and shall cause one copy thereof, together with a Notification in the form in Schedule (F) to this Act annexed, or to the like effect, and written in the language of the Province in which such Town is situate, to be put up in some conspicuous place in the Town or division of the Town for which the assessment has been made; and a written copy of the said list to be deposited in his own Office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Town by beat of drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's Office is open to inspection.

Assessment to be published.

LIII. Unless and until revised and amended as herein is provided, every assessment, as settled under Section L. or LI., shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment shall be changed before a new assessment be made, the new occupant shall be liable in respect of such property for any portion of the assessment which shall have become payable during his occupation; and, after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupant.

Assessment to stand good for three years.

Change of occupation before a new assessment.

LIV. Whenever the period for which any assessment is valid, as provided in Section LIII. of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Town Committee or Ward Committee to make a new assessment, or to revise and amend the assessment then in force, to adopt the said assessment as the assessment for the year next following.

Power to adopt old assessment.

LV. If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section LIII. shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.

Old assessment to be continued if new not made.

LVI. As soon as possible after an assessment shall have been adopted under Section LIV., or shall have taken effect for the current year under the last preceding Section, the Magistrate shall, in the manner provided in Section LII. for giving public notice that the copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.

Notice of adoption of old assessment to be given.

LVII. Any person who shall have been assessed by a Town Committee, of which the Magistrate has not been appointed a Member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Town Committee at a Meeting; and in case such Town Committee shall not grant the prayer of such appeal, such Town Committee shal submit the decision of the matter to the Magistrate, and the Magistrate, after making such enquiries as he may deem necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment, or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other Court. Provided that no appeal shall be received after the expiration of one month from the time of the Notification of the assessment prescribed by Section LII. or Section LVI., or of the Notification of the substitution of the name of an occupier under Section LIII, unless the Magistrate, upon reasonable cause shewn, shall extend the time for receiving such appeal.

Appeal from assessment made by Town Committee.

Limitation of appeal.

LVIII. Any person who shall have been assessed by a Town Committee of which the Magistrate has been appointed a Member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply on unstamped paper to the Town Committee for a review of the assessment so far as regards himself; and with regard to such

Appeal against assessment when Magistrate a Member of Committee.

applications the Town Committee at Meeting shall proceed as the Magistrate is directed to proceed in Section LVII., and the orders passed by the Town Committee on such application shall have the same effect and finality as order passed by the Magistrate under Section LVII. Applications under this Sectionots the Town Committee at a Meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section LVII.

Appeals from assessments made by Ward Committees.

LIX. Any person who shall have been assessed by a Ward Committee, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may appeal on unstamped paper to the Town Committee. And with regard to such appeals, the Town Committee at a Meeting shall proceed as the Magistrate is directed to proceed in Section LVII., and the orders passed by the Town Committee at a Meeting on such appeals shall have the same effect and finality as orders passed by the Magistrate under Section LVII. Appeals to the Town Committee at a Meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section LVII.

Power to assess on account of newly occupied tenement.

LX. It shall be lawful for the Magistrate at any time to require any Town Committee or Ward Committee, as the case may be, to make an assessment on account of the occupation of any house which may have been constructed, or any house or other holding which may have become liable to assessment after the general assessment which may then be in force shall have been made, or which may have been by mistake or accident omitted from such assessment. Notice of the amount assessed in accordance with such requisition shall be given to the person so assessed, who may appeal or apply against such assessment according to the provisions of Section LVII., LVIII., or LIX., within one month after the service of such notice.

Power to apply for reduction of assessment in altered circumstances.

LXI. It shall be lawful for any person, upon whom any assessment shall have been made, who shall, during the period for which such assessment is valid, have ceased to occupy any property in respect to which he may have been assessed, or whose property to be protected and circumstances may have changed during the period aforesaid, to apply on unstamped paper to the Town Committee, and in case such Town Committee shall not grant the prayer of such application, such Town Committee shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such requiries as he may deem necessary, by examination of the applicant on oath or solemn affirmation, or otherwise, may amend the assessment of such applicant as to him shall appear just, or may confirm the same, and in case he shall confirm the said assessment, may order that the applicant shall pay such reasonable costs as may have been incurred by reason of such application. The decision of such Magistrate upon such application shall be final.

Commissioner of Division may direct revision of assessment.

LXII. The Commissioner of the Division, with the sanction of the Government may at any time direct the Magistrate to revise or to cause to be revised by the Town or Ward Committee the assessment of any Town, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise, and, if necessary, amend the same, or cause it to be revised and amended.

Magistrate may direct Supplementary Estimates.

LXIII. If, during any period for which an Estimate shall have been passed it shall appear that the amount provided by such Estimate is insufficient to defray the necessary expenses for carrying out the provisions of this Act during the period, it shall be lawful for the Magistrate to cause Supplementary Estimates to be prepared, and the provisions of this Act with respect to the preparation, submission to the Town Committee, and approval of the Original Estimates, shall be applicable to such Supplementary Estimates. Provided always that the total amount of such Supplementary Estimates, together with the amount of the Original Estimates, shall not exceed the total sum which, according to the provisions of Section XLIV., it is lawful to raise in such Town.

Power of Magistrate of District to compel further assessment.

LXIV. The Magistrate of the District may at any time of the year proceed, as hereinbefore is provided with regard to the Original Estimate, to require the Town Committee or Ward Committee to provide for the expenditure shown in the Supplementary Estimate, by revising and increasing the assessment for the current year, and giving in their revised list within such reasonable time as may be fixed by such Magistrate.

Publication of assessment as revised under Sections LXII., LXIII., and LXIV.

LXV. Whenever any assessment is revised during the year as provided in Sections LXII., LXIII., and LXIV., so much of the list containing such assessment as has been in any way altered, revised, or amended, together with a notification as prescribed in Section LII., shall be prepared and published in the manner therein directed; and all objections to such revised assessment or rate shall be made and dealt with in the manner prescribed in Sections LVII., LVIII., and LIX.

PART VII.

Appointment and Duties of Tax Collectors.

Appointment of Tax Collectors and other Establishment.

LXVI. The Magistrate may appoint in every Town one or more Tax Collectors, and such other servants as may be necessary for assisting the Committees in preparing the assessment, or for collecting the amount assessed, for keeping the accounts and the records, and otherwise for carrying out the purposes of the Act. The Magistrate shall take from every Tax Collector such security for the due disposal of the sums collected by him as may be thought necessary.

Magistrate to make rules.

LXVII. The Magistrate may, with the sanction of the Commissioner of the Division, make such rules as he may think fit as to the manner in which, and as to the persons by whom, all duties connected with the collection of the tax or the preparation of the assessment shall be performed. Provided such rules be in all respects consistent with the provisions in this Act contained.

Tax Collector to prepare Assessment Register.

LXVIII. Every Tax Collector shall prepare, from the lists hereinbefore mentioned, a Register which shall contain the names of all persons assessed, the property in respect of the occupation of which the assessment in each case is imposed, and the amount payable quarterly by each person in the Town or division or portion of a Town in which the duties of such Tax Collector are to be performed; and every such list shall be attested by the Magistrate.

Payment of by instalments.

LXIX. Every tax to be payable under this Act shall be payable by four equal quarterly instalments. The instalment of tax on account of any quarter shall be due on the first day of the first month in the said quarter.

Tax Bills to be presented.

LXX. When any sum is due on account of any tax leviable under this Act, the Magistrate shall cause to be presented to the person liable to the payment thereof, a bill for the amount, which shall also contain a statement of the period and a description of the house or other property on account of the occupation of which the charge is made.

Receipts to be given.

LXXI. For all sums collected on account of any tax under this Act, a receipt shall be given signed by the Tax Collector or by some other Officer who may have been specially authorized by the Magistrate to grant such receipts.

Tax Collectors to remit collections.

LXXII. The Tax Collector or other Officer appointed on that behalf shall remit, in such manner and at such time as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some other Officer authorized on that behalf, shall give the Tax Collector a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to the Town Fund of the Town.

PART VIII.

Recovery of Taxes.

Recovery of taxes.

LXXIII. If any bill which may have been presented in pursuance of this Act be not paid by the person liable to pay the same within ten days from the presentation thereof, the Magistrate may cause to be served upon such person a notice of demand in the form in Schedule (G) annexed to this Act, or to the like effect; and if such person shall not, within ten days from the service of notice of such demand, pay the sum due, together with a fee of two annas as costs for the service of the notice of demand, or shew to the Magistrate sufficient cause for non-payment of the same, the amount of the arrear due, with costs on the scale in the Schedule (H) set forth, which shall include those of serving the notice of demand, may be levied by distress and sale of any goods and chattels belonging to the defaulter which may be found within the Town, or of any goods and chattels whatever which may be found on the premises in respect of the occupation of which such defaulter is liable to such tax.

Sale how to be conducted.

LXXIV. Every warrant of distraint and sale under the last preceding Section shall be issued by the Magistrate. The Officer charged with the execution of the warrant of distress shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give not less than ten day's previous notice of the sale, and of the time and place thereof, by beat of drum, in the Town or division thereof in which the property is situated. If the arrear be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Magistrate, the goods and chattels seized shall be sold by public outcry at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and the costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The Tax Collector or other Officer appointed on that behalf by the Magistrate shall make a return of all such sales to the Magistrate in the form specified in Schedule (J,) and the costs upon every such proceeding shall be such as are mentioned and set forth in Schedule (H) annexed to this Act.

Proceeds how to be applied.

Costs.

Sale of property beyond limits of Town, &c.

LXXV. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of the occupation of which the tax is due, can be found within the Town in which the premises are situate, the Magistrate, on being satisfied thereof, and of the existence of an arrear, may issue his warrant for the distress and sale of any goods and chattels belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any goods and chattels belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever: and such other Magistrate shall back the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant.

All goods found on premises liable to sale.

LXXVI. All goods and chattels, except tools or instruments of trade, which may be found upon any premises in respect of the occupation of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress, or any sale under the same. Provided that no arrear of tax which has remained due for more than three calendar months, shall be recovered by distress and sale of the goods and chattels of any person, other than the defaulter himself, who did not reside on the premises in respect of which such tax was imposed at the time when such arrear became due.

But owner of goods to be indemnified by the defaulter.

No person employed in collection of tax to buy distrained goods.

LXXVII. Every Tax Collector and other servant appointed for, or employed in, the performance of any duties connected with the assessment or collection of the tax under this Act, is prohibited from bidding for, or purchasing, any property at such sales as aforesaid.

Magistrate to keep account of distresses and sales.

LXXVIII. The Magistrate shall cause a regular account to be kept of all distresses levied, and sales made, for the realization of arrears under this Act.

Accounts to be prepared.

LXXIX. Within one month after the commencement of each year, the Magistrate shall cause to be prepared accounts of the receipts and expenditure of the Town Fund during the previous year, and shall cause such accounts to be laid before such Town Committee for the space of one month, and shall cause copies of such accounts and of any remarks made thereon by the Town Committee to be forwarded to the Magistrate of the District, who shall forward the same to the Commissioner of the Division.

Removal of property to be fraudulent.

LXXX. Whoever conceals, removes, or disposes of any property belonging to the person who is liable for any amount of tax, for the purpose of avoiding a distress under the provisions of this Act, shall be considered to have concealed, removed, or disposed of such property fraudulently.

Fines how to be disposed of.

LXXXI. All fines levied under this Act shall be credited to the Town Fund, and held available for the purposes of this Act.

PART IX.

Conservancy Powers of Magistrate.

Conservancy powers

LXXXII. It shall be lawful for the Government, if it shall think proper so to do, by a Notification to be published in the Calcutta Gazette, to extend to any Town all or any of the provisions for the regulation of Conservancy, or of local improvement, which are contained in Schedule (K) to this Act annexed, and from and after such extension such and so many of the said provisions as shall be so extended shall take effect in such Town as if the same were a portion of this Act.

Power to recover expenses.

LXXXIII. It shall be lawful for the Magistrate, whenever any sum may be recoverable from any person under any of the provisions in the said Schedule (K) contained, for the expenses of any work performed by such Magistrate, to make out a bill of the amount of such expenses, and to cause notice of the particulars of such bill to be served upon the person liable to pay the same. If such bill shall not be paid within five days after the service of such notice, the amount thereof may be recovered from the person upon whom the bill shall have been so served, as if such amount were an arrear of assessment due under the provisions of this Act.

Powers of Conservancy in places to which Act not extended.

LXXXIV. In any place to which this Act shall not have been extended, and to which the provisions of the said Act XX. of 1856 have been or shall be extended, it shall be lawful for the Magistrate, by the ways and means in and by the same Act provided for raising the amount of the expense of Chowkeedars appointed under the said Act, to cause to be levied such sum as to him shall seem meet, and apply the same in cleansing such place, or in lighting or otherwise improving the same. Provided that the aggregate amount so to be raised shall not, together with the amount to be raised under the provisions of the said Act VI. of 1867, exceed the average rate of two annas per mensem for each house, and the amount assessed in respect of any one house shall not exceed the maximum assessment as specified in Section XI. of the said Act XX. of 1856.

PART X.

General Provisions for carrying out the purposes of the Act.

Service of notices.

LXXXV. Every notice, bill, or summons, under any of the preceding Sections of this Act, may be served personally upon the person to whom the same is addressed, or may be served by leaving the same at his usual or last known place of abode with some adult male member or servant of his family, or, if it cannot be so served, may be served by being put up on some conspicuous part of such place of abode. If such notice, bill, or summons, relates to any house, building, or land, and the place of abode of the person whom it is intended to affect by such notice, bill, or summons, is unknown, or is not within the Town in which such house, building, or land is situate, the same shall be deemed to be duly served if put up on some conspicuous part of the house, building, or land to which the same relates.

Magistrate may bring suit instead of distraining or on failure of distress.

LXXXVI. Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, and charges recoverable under the provisions of this Act, the Magistrate may sue the person liable to pay the same in any Court of competent jurisdiction.

Power to make compensation out of Town Fund.

LXXXVII. The Maistrate may make compensation out of the Town Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Magistrate, his Officers, or servants, under this Act.

No action to be brought again the Magistrate or his officers until after one month's notice of cause of action.

LXXXVIII. No action shall be brought against the Magistrate nor against the Town Committee nor against any Member thereof, nor against any of his or their Officers, nor against any person acting under his or their direction, for anything done or professing or purporting to be done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the Office of the Magistrate or at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff; and unless such notice be proved, the Court shall find for the defendant; and every such action shall be commenced with three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

No charge to be instituted under this Act, without consent of Magistrate.

LXXXIX. The Magistrate may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Town Fund; and no charge of an offence under this Act shall be instituted without the order or consent of the Magistrate, and no such charge shall be instituted except within three months next after the commission of such offence.

Assessment not to be impeached, if the directions of the Act are in substance complied with.

XC. No assessment, and no charge or demand of a rate or tax, made under the authority of this Act, shall be impeached or affected by reason of any mistake in the name of any person liable to pay such tax or in the description of any property or thing liable to such tax, in respect of which he same is imposed, or by reason of any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any Court of Justice.

Distress not unlawful for want of form

XCI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any bill, notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto; nor shall such party be deemed a trespasser, *ab initio*, on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction, for any special damage sustained by them, in any Court of competent jurisdiction, subject to the provisions of Section LXXXVIII of this Act.

Proceedings of Magistrate of District and Commissioner of Division respectively, subject to control of Lieutenant-Governor.

XCII. All the proceedings of the Magistrate of the District, or of a Magistrate under this Act, or of a Town Committee, except as otherwise specially provided, shall be subject to the control and revision of the Commissioner of the Division; and all the proceedings of the Commissioner of the Division shall be subject to the control of the Lieutenant-Governor.

Short title.

XCIII. This Act shall be called "The District Towns' Act, 1868."

SCHEDULE A.—*(Referred to in Section* XXXIII.)

SHOWING the number of the Members of the Committee to retire in each year.

Number of Members of Committee.	To retire 1st year.	To retire 2nd year.	To retire 3rd year.
4	1	1	2
5	1	2	2
7	2	2	3
8	2	3	3
10	3	3	4
11	3	4	4
13	4	4	5
14	4	5	5
16	5	5	6
17	5	6	6
19	6	6	7
20	6	7	7

SCHEDULE B. *(Referred to in Section XLII.)*

Powers of Magistrate which may be exercised by the Town Committee at a Meeting.

Sections XII., XV., XVI., XVIII., XXIII., LI., LIV., LX., LXI., LXIII LXXXVI., LXXXVII.; and Clauses 1 to 13 of Schedule K.

SCHEDULE C.—*(Referred to in Section XLII,)*

Powers of Magistrate which may be exercised by the Town Committee.

Sections V., X., LXV., LXVI., LXVII., LXX., LXXI., LXXII., LXXIII., LXXVIII., LXXIX., LXXXIII., LXXXVI., LXXXVII., LXXXVIII., and LXXXIX.

SCHEDULE D.—*(Referred to in Section XLV.)*

ORDER FOR ASSESSING.

It is hereby ordered that an assessment be made upon the Town of under the provisions of the District Towns' Act, 1868, for the sum of Rupees.

(Signed) A. B.,
Magistrate of District.

SCHEDULE E.—*(Referred to in Section XLVII.)*

DIRECTIONS FOR MAKING AN ASSESSMENT.

Dated of

[*Here insert the names, places of abode, business, or other description of the several Members of the Town Committee or Ward Committee.*]

Direction to assess.

I, A. B., Magistrate of ( ) do hereby require you, the Town Committee (or Ward Committee), appointed under the District Towns' Act, 1868, with all reasonable expedition, not exceeding [*Here insert a period to be fixed by the Magistrate*] from the date hereof, to make out, and forward to me, the undersigned Magistrate, , a fair and equitable assessment upon the several occupiers of houses, shops, and buildings in the [*Here describe the Town or Ward*] for the purpose of raising the sum of Rupees required for the purposes of the said Act for the year commencing on . You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. The assessment in respect of the occupation of any one holding shall not be more than seven Rupees per mensem.

Examination.

If the occupier of any house in the said District shall be unable, on the ground of poverty, to pay the assessment to which he is liable under this Act, you shall exempt him from the same; but the property occupied, together with the

name and description of such occupier, shall be specified in the list, together with the ground of exemption.

Lodging houses.

If any house be let out in portions to different persons, or be let out to, or occupied by, lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall be deemed the occupier of such house, and shall be assessed accordingly.

Contents of assessment.

The assessment which you are hereby required to make shall specify every item of property in respect of the occupation of which any person is assessed, the name, trade, or business, or other description of the person assessed, the annual assessment, and the amount payable monthly; and may be in the following form, or to the like effect:—

Premises occupied.	Name of occupant.	Profession or business, or other description.	Annual assessment in respect of this item of property.	Amount of Monthly payment.

(Signed)

Magistrate of

SCHEDULE F.—*(Referred to in Section LII.)*

NOTICE OF ASSESSMENT.

An assessment made for [*Here describe the Town or division for which the assessment is made*] upon the several occupiers of houses and other property in the said District, pursuant to The District Towns' Act 1868, for the purpose of maintaining the Police for such Town, and carrying out the other provisions of the said Act.

Property occupied.	Names of occupants.	Profession or business.	Amount of quarterly assessment.

Whereas the above assessment has been duly made pursuant to The District Towns' Act 1868, and has been revised and settled by me, the undersigned Magistrate of , the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax-Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of ( ), and every subsequent payment on or before the first day of ( ), the first day of ( ), and the first day of ( ), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as are allowed by law.

Dated this day of

Magistrate of

SCHEDULE G.—(*Referred to in Section LXXIII.*)

NOTICE OF DEMAND.

Town of ( )

To of

Take notice that the sum of Rs. , being the amount of assessment due from you to the Town Fund of the said Town, is hereby demanded from you, and that if you do not, within ten days, pay the same with two annas as the cost of this notice into the Office of , the same with costs will be levied by distress and sale of your goods and chattels.

(Signed)

Magistrate of

SCHEDULE H.—(*Referred to in Sections LXXIII and LXXIV.*)

TABLE OF FEES PAYABLE IN DISTRAINTS UNDER THIS ACT.

Sum distrained for.					FEE.	
					Rs.	As.
Under 1 Rupee					0	4
1 and under	3	Rupees			0	8
3 „	5	„			1	0
5 „	10	„			1	8
10 „	15	„			2	0
15 „	20	„			2	8
20 „	25	„			3	0
25 „	30	„			3	8
30 „	35	„			4	0
35 „	40	„			4	8
40 „	45	„			5	0
45 „	50	„			5	8
50 „	60	„			6	0
60 „	80	„			7	8
80 „	100	„			9	0
Above 100					10	0

The above charge includes all expenses, including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

SCHEDULE J.—*(Referred to in Section LXXIV).*

RETURNS OF SALES.

1	2	3	4	5	6	7	8	9	10	11
District.	Names of defaulters.	Amount of defalcation.	Amount, cost, or penalty.	Inventory of property seized under distress.	Date of distress.	Date of sale.	Property sold.	Amount realized on each article.	Purchaser's name.	Balance.

SCHEDULE K.—*(Referred to in Section LXXXII and LXXXIII).*

CONSERVANCY PROVISIONS.

Future obstructions in highway.

1. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment in any public highway, or in or over any open drain, sewer, or aqueduct along the side of any such highway, shall be liable to a fine not exceeding fifty Rupees; and the Magistrate shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable from him in the manner provided in Section LXXXIII. of this Act.

Taking up pavements.

2. Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any public highway, without the consent, in writing, of the Magistrate, or without other lawful authority, shall be liable to a fine not exceeding twenty Rupees.

Projections from houses erected in future to be removed.

3. The Magistrate may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which, after this Act shall have taken effect, shall be erected or placed against, or in front of, such house or building, if the same overhangs or juts into, or in any way projects or encroaches upon, or is an obstruction to, the safe and convenient passage along any public highway, or obstructs or projects or encroaches into or upon any uncovered aqueduct, drain, or sewer in such highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Magistrate; and, in default thereof, shall be liable to a fine not exceeding fifty Rupees: and the Magistrate in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable from him in the manner provided in Section LXXXIII of this Act.

Removal of existing projections from houses.

4. The Magistrate of any Town may, upon the petition of not less than twenty persons assessed to the tax in such Town, cause any such projection, encroachment, or obstruction erected or placed against or in front of a house or building in any public highway before this Act shall have been extended to such Town, to be removed or altered as he shall think fit. Provided that notice be given of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be,

Notice of removal.

Compensation when to be made.

thirty days before such alteration or removal is begun ; and that reasonable compensation to every person who suffers damage by such removal or alteration shall be made from the Town Fund of such Town. In case the person so damaged, and the Town Committee, may differ in their estimate of the amount of compensation, the same shall be referred to the arbitration of a body consisting of three arbitrators, one to be appointed by the person claiming compensation, another by the Town Committee, and the third by the Magistrate, or if the Magistrate be a member of the Town Committee, by the Magistrate of the District, and the award of such arbitrators shall be final.

Houses projecting beyond lines of highway, when taken down, to be set back.

5. Whenever any house or building, part of which projects beyond the regular line of a public highway, or beyond the front of the house or building on either side thereof, shall be taken down in order to be re-built or altered, the Magistrate may require the same to be set back to or towards the line of the highway or the line of the adjoining houses or buildings, and reasonable compensation shall be made from the Town Fund to the owner of such house or building for any damage he may thereby sustain ; such compensation, if the parties differ, to be ascertained as in the next preceding Section is provided.

Hedges and trees bordering roads to be trimmed.

6. The Magistrate may, by notice in writing, require the occupier of any land to cut and trim any hedges or trees growing upon such land, which overhang any public highway so as to obstruct the passage of, or cause injury to, such highway ; and in case any such occupier shall refuse or omit or neglect to comply with such notice for the space of eight days after the service of notice thereof upon him, he shall be liable to a fine not exceeding four annas for every day, after the expiry of the said space of eight days, during which he may refuse or omit or neglect to comply with such notice.

Houses in a ruinous and dangerous state.

7. If any house, building, or wall, or any thing affixed thereon, be deemed by the Magistrate to be in a ruinous state, or likely to fall, and thereby to be in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he shall cause notice in writing to be given to the owner if he be known and resident within the limits of the town, and shall also cause notice to be put on the door or other conspicuous part of the said premises, requiring the owner or occupier forthwith to take down, secure, or repair such house, building, wall or thing affixed thereon, as the case shall require ; and if such owner or occupier do not begin to repair, take down, or secure the same, within three days after such notice, and do not carry on the work to the satisfaction of the Magistrate, may cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured ; and all the expenses shall be paid by the occupier of the premises, and shall be recoverable from him in the manner provided in Section LXXXIII. of this Act ; but in case it shall appear to such Magistrate that there is not any occupier of such premises, or that by contract or otherwise the owner of such premises was liable to keep the same in repair, or that the occupier thereof is from poverty unable to pay such expenses, the same may be in like manner recovered from such owner in lieu of such occupier.

Penalty for not keeping drain, &c., in proper state.

8. Whoever, being the owner or occupier of any private drain, privy, or cesspool, shall neglect or refuse, after notice from the Magistrate, to keep the same in a proper state, shall be liable to a fine not exceeding fifty Rupees.

Fouling water by bathing, washing, throwing rubbish, &c.

9. Whoever shall bathe in any tank which may be public property, and the water of which shall have been declared by the Magistrate to be appropriated to the domestic use of the inhabitants of the Town, or shall wash or cause to be washed therein any animals, or any wool, cloth, or wearing apparel, or any utensils used for cooking or other purposes, or any leather, or the skin of any animal, or any foul or offensive thing, or shall put or cause to enter therein any animal or any gravel, stone, dirt, or rubbish, or any dirt, filth, or other noxious thing ; or shall cause or suffer to run, drain, or be brought thereunto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid ; or shall do nay thing whatsoever whereby any such water shall be in any degree fouled or corrupted, shall be liable to a fine not exceeding fifty Rupees.

Power to fill up unwholesome tanks on private premises.

10. Whenever any tank, drain, or other excavation containing waste or stagnant water, the same being within any private enclosure, appears to the Magistrate to be injursous to health, or to be offensive to the neighbourhood, it shall be lawful for the Magistrate, by notice in writing to be served on the occupier of the premises, and also, in case the owner of such premises be known and resident within the Town, upon such owner, to require such occupier and owner to cleanse or fill up such tank or excavation and if they or one of them do not begin to cleanse or fill up the same within one week after such notice, and do not complete such work with due diligence, the Magistrate , his Officers, and work-men, may enter into the said premises and do all necessary acts, for the purpose aforesaid, as he or they

shall think fit; and the expense incurred thereby shall be paid by the occupier of such premises, and shall be recoverable from him in the manner provided in Section LXXXIII. of this Act. Provided always that in case it shall appear to the Magistrate that such occupier is from poverty unable to pay such expenses, the same may be recovered in like manner from the owner of the said premises.

Power to clear noxious vegetation and to improve bad drainage.

11. Whenever any lands or premises, being private property or within any private enclosure, appear to the Magistrate to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Magistrate, by notice in writing to be served on the occupier of such premises, and also, in case the owner of such premises be known and resident within the Town, upon such owner, to require such occupier of the premises to clear and remove such vegetation or drain such premises; and if he do not within one week after such notice begin to cut, clear and remove such vegetation or to drain such land, and do not complete such work with due diligence, the Magistrate, his Officers, and workmen, may, after forty-eight hours' notice, enter into the said premises and do all necessary acts for the purpose aforesaid, as he or they shall think fit; and the expenses incurred thereby shall be paid by the occupier of such premises, and shall be recoverable from him in the manner provided in Section LXXXIII. of this Act. Provided always that in case it shall appear that such occupier is from poverty unable to pay such expenses, the same may be in like manner recovered from the owner of such premises in lieu of such occupier.

Power to drain off and cleanse stagnant pools in open places.

12. The Magistrate may from time to time, as he may see fit, drain off into any sewer, and cleanse and fill up, or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure), which shall appear to him to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

Places dangerous to passengers to be repaired or enclosed.

13. If any pit, well, or hole in or near any public highway, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Magistrate shall cause the same to be repaired, protected, or enclosed so as to prevent danger therefrom; and the expenses of such repair, protection, or enclosure, shall be paid by the occupier of the property so repaired, protected, or inclosed, and shall be recoverable from such occupier in the manner provided in Section LXXXIII. of this Act, and in his default shall be in like manner recoverable from the owner of such property.

Penalty for committing a nuisance in highways.

14. Any person who may commit any nuisance in any public highway by easing himself thereupon, shall be liable to a fine which may extend to five Rupees.

ACT NO. VII. OF 1868.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 16th July 1868, and of the Governor-General on the 10th August 1868).

An Act to make further provision for the recovery of Arrears of Land Revenue and Public Demands recoverable as Arrears of Land Revenue.

1. Interpretation. "Proprietor." "Revenue." "Estate." "Tenure." "Jurisdiction." "Collector." "Demand." Sums due from Public Accountants and their sureties. Sums due from the sureties of farmers. Arrears of revenue payable in respect of tenures. Costs of certain partitions. Costs of embankments. Loss on re-sale of estates. Water-rates. Fines upon farmers. Other Revenue demands.

2. Appeals against sales.

3. Time for revenue sales extended.

4. Time for confirmation of sales extended.

5. Mode of serving notices.

6. Power to cause notices to be served of arrears or demands.

7. *Notices to Ryots to be posted in Sub-Divisional Cutcherry.*
8. *Certificate to be conclusive evidence of regularity in service of notices.*
9. *Sales of lakhiraj to be valid.*
10. *Collectorate to include all estates borne on its Roll.*
11. *Power to sell tenures.*
12. *Effect of sale of a tenure.*
13. *Power of enhancement.*
14. *Saving right of ryot.*
15. *Certificate to be made of unliquidated arrears.*
16. *Certificate to be made of arrears payable by a farmer.*
17. *Certificate to have effect of decree.*
18. *Certificate to be made of arrears of demand payable to a Collector.*
19. *Certificate of demand payable to person other than a Collector.*
20. *Certificate to be executed as decree of Civil Court.*
21. *Notice of Certificate to be served.*
22. *Power of objecting to Certificate.*
23. *Appeal on application to Collector.*
24. *Power to enforce Certificate.*
25. *Certificates to be entered in Register.*
26. *Register of certificates to be open to inspection.*
27. *Satisfaction to be entered,*
28. *Transmission of sums received.*
29. *Repeal of Clauses.*
30. *Construction of Act.*

Preamble.

WHEREAS it is expedient to amend and extend the law for the recovery of arrears of Land Revenue and of Public Demands recoverable as arrears of Land Revenue, it is declared and enacted as follows :—

Interpretation.

I. In this Act and in Act XI of 1859 *(to improve the law relating to sales of land for arrears of Revenue in the Lower Provinces under the Bengal Presidency)*, the words in this Section mentioned shall have the meanings therein attributed to them respectively.

"Proprietor."

The word "Proprietor" includes any tenant by whom any estate or tenure is held directly under Government.

"Revenue."

The word "Revenue" includes every sum annually payable to Government by the Proprietor of any estate or tenure in respect thereof, and every sum payable to Government in respect of Tuccavee, or of any money advanced by Government to Proprietors of land for making or repairing embankments, reservoirs, or water-courses, or other improvements on the land held by them.

"Estate."

The word "Estate" means any land or share in land subject to the payment to Government of an annual sum in respect of which the name of a Proprietor is entered on the Register known as the General Register of all Revenue-paying estates, or in respect of which a separate account may, in pursuance of Section X or Section XI of the said Act XI of 1859, have been opened.

"Tenure."

The word "Tenure" includes all interests in land whether rent-paying or lakhiraj (other than estates as above defined), and all fisheries, which, by the terms of the grants creating the same, or by the custom of the country, are transferable, whether such tenures are resumable or not, and whether the right of selling or bringing them to sale for an arrear of rent may or may not have been specially reserved by stipulation in any instrument.

"Jurisdiction."

The "Jurisdiction" of a Collector means the District to which such Collector is appointed, or throughout which any Officer vested with the powers of a Collector is authorized to exercise such powers.

"Collector."

The word "Collector" includes any person vested with the powers of a Collector.

"Demand."

The word "Demand" means any of the following public demands, arrears of which are by law recoverable as arrears of revenue.

Sums due from Public Accountants and their sureties.

Any sum due from any Public Accountant, or from the sureties of any Public Accountant, on account of any loss or defalcation in the account of such Public Accountant ;

Sums due from the sureties of farmers.

Any sum which may be due from the sureties of any farmer in respect of the revenue of the estate farmed by him ;

Arrears of revenue payable in respect of tenures.

Any arrears of revenue payable in respect of any tenure, for the recovery of which the Collector may not think fit to proceed under Section XI of this Act ;

Costs of certain partitions.

Any sum which may be due from any person for his proportion of the authorized expenses of making a division of any estate under Regulation XIX of 1814, or in respect of any fine imposed under Section XX or XXI of the same Regulation ;

Any sum which may be due from any person under Clause 2 of Section XI of Act XXXII of 1855, or in respect of any award of the expenses of the construction, alteration, or extension of any embankment, which may, in pursuance of Act VII of 1866, passed by the Lieutanent-Governor of Bengal in Council, be made by any Collector. Costs of embankments.

Any sum which may be payable by any person under the provisions of Section XXIII of the said Act XI of 1859, for the difference between the proceeds of the sale of an estate which may be eventually consummated, and the price bid by such person at a sale of such estate for arrears of revenue. Loss on resale of estates.

Any sum payable to any Collector for water-rate under any agreement made in pursuance of Act VIII of 1867, passed by the Lieutenant-Governor of Bengal in Council; Water-rates.

Any sum payable as a fine under the provisions of Act XX of 1848 (*for better enforcing the attendance of proprietors and farmers of land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency*): Fines upon farmers.

Any other demand which by any law for the time being in force is or shall be recoverable as arrears of revenue. Other Revenue demands.

II. It shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act or the said Act XI of 1859, not being a sale made under, and by virtue of, any execution issued upon a Certificate made as hereinafter is provided, so that such appeal be preferred to such Commissioner on or before the sixtieth day from the day of sale, reckoning as in Section XXIII of the said Act XI of 1859, or be presented to the Collector or other Officer duly authorized to hold sales under the said Act for transmission to the Commissioner on or before the forty-fifth day from the day of sale, reckoning as aforesaid, and not otherwise; and the Commissioner shall be competent, in every case of appeal so preferred, to annul any sale of an estate or share of an estate made under this Act or Act XI of 1859, which shall appear to him not to have been conducted according to the provisions of the said Acts, awarding at the same time to the purchaser a payment from the proprietor of compensation for his loss, if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed the interest at the highest rate of the current Government Securities on the amount of deposit or balance of purchase-money during the period of its being retained in the Collector's Office: and the order of the Commissioner shall in such cases be final. Appeals against sales.

III. From the date when this Act comes into operation the word "thirty" shall be substituted for the word "fifteen" in Section VI of the said Act XI of 1859, and the words "or more than thirty" in the same Section shall be omitted therefrom, and the said Section shall be read as if the same had not been inserted therein. Time for revenue sales extended.

IV. From the date when this Act comes into operation, the word "sixtieth" and "sixty" shall be substituted for the words "thirtieth" and "thirty" respectively, wherever the said words occur in Section XXVII of the said Act XI of 1859. Time for confirmation of sales extended.

V. Every notice in and by this Act, or by the said Act XI of 1859, directed to be served, shall be served by delivering to the person to whom it may be directed, a copy thereof attested by the Collector, or by delivering such copy at the usual place of abode of such person, to some adult male member of his family, or in case it cannot be so served, by posting such copy upon some conspicuous part of the usual or last known place of abode of such person. In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such ways as the Collector issuing such notice may direct. Mode of serving notices.

VI. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the Calcutta Gazette, to empower all Collectors in any District in such order mentioned, if they shall think fit, to cause such notices as shall be in such order specified, to be served upon any proprietors or persons liable to any demands, before proceeding under the provisions of the said Act XI of 1859 or of this Act, to realize from such proprietors or persons any arrears of revenue or any demands which may be due from such proprietors or persons, and the costs of serving any such notices as shall be served under the powers conferred by any such order, not exceeding such sums as shall in such order be specified, shall be added to any arrears of revenue or to any demands which may be due from such proprietors or persons, and shall be recoverable as if the same were a portion of such arrears of revenue or of such demands; and every such order may from time to time be altered, varied, or revoked by any other order of the said Lieutenant-Governor to be from time to time in like manner published. Power to cause notices to be served for arrears or demands.

VII. In addition to the notices in and by Section VII of the said Act XI of 1859 directed to be posted, a similar notice shall be posted at the Sub-divisional Cutcherry within the Jurisdiction of which the estate to which such notice refers, or some portion thereof, is situate. Notices to Ryots to be posted in Sub-Divisional Cutcherry.

Certificate to be conclusive evidence of regularity in service of notices.

VIII. Every certificate of title which may be given to any purchaser under the provisions of Section XXVIII of the said Act XI of 1859, or of Section XI of this Act, shall be conclusive evidence, in favor of such purchaser and of every person claiming under him, that all notices in or by this Act, or by the said Act XI of 1859, required to be served or posted, have been duly served and posted; and the title of any person who may have obtained any such certificate shall not be impeached or affected by reason of any omission, informality, or irregularity as regards the serving or posting of any notice in the proceedings under which the sale was had at which such person may have purchased.

Sales of lakhiraj to be valid.

IX. All sales of lands of lakhiraj tenure, which may heretofore have been made in conformity with the procedure established by the said Act XI of 1859, for payment of arrears of revenue or of demands, shall have such and the same force and effect as if they had been made in execution of a decree against the person liable to pay the revenue or demand for satisfaction of which such sale may have been made.

Collectorate to include all estates borne on its Roll.

X. Every estate shall for the purposes of this Act and of the said Act XI of 1859, be deemed to be within the Collectorate of the Collector upon whose General Register the revenue thereof may be borne, although the whole or any portion of the lands comprised in such estate may be without the local limits of his jurisdiction; but all lands and tenures shall be deemed to be within the jurisdiction within the local limits of which they may be situate, although the estate of which they form a part may, under the provisions of this Section, be deemed to be within the Collectorate of any other Collector.

Power to sell tenures.

XI. Whenever any revenue payable to Government in respect of any tenure not being an estate, shall be in arrear after the latest day of payment fixed in the manner prescribed in Section III of the said Act XI of 1859, the Collector to whom such revenue is payable, may cause to be affixed such notices as are mentioned in Section V of the said Act XI of 1859, and may thereupon cause such tenure to be sold in the manner, and subject to the provisions in and by the said Act XI of 1859 provided for the sale of estates for the recovery of arrears of revenue due on account of the same, and the Collector shall apply the purchase-money arising from such sale according to the provisions of Section XXXI of the said Act XI of 1859, except that the residue, if any, shall be held in deposit on account of the holder of the tenure sold, and not on account of the proprietor of the estate; and every such Collector shall, upon every such sale of any tenure being final and conclusive, make out such certificate of title thereof as is provided in Section XXVIII of the said Act XI of 1859 with respect to estates.

Effect of sale of a tenure.

XII. The purchaser of any tenure sold under the provisions of Section XI of this Act shall acquire it free from all encumbrances which may have been imposed upon it after its creation, or after the time of settlement, whichever may have last occurred, and shall be entitled to avoid and annul all under-tenures, and forthwith to eject all under-tenants, with the following exceptions:—

First.—Istemraree or mookurruree tenures which have been held at a fixed rent from the time of the permanent settlement.

Secondly.—Tenures existing at the time of permanent settlement, which have not been held at a fixed rent. Provided always that the rent of such tenures shall be liable to enhancement under any law for the time being in force for the enhancement of the rent of such tenures.

Thirdly.—Tenures created or recognized by the settlement proceedings of any current temporary settlement, as tenures bearing a rent which is fixed for the period of such settlement.

Fourthly.—Tenures of lands whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon permanent gardens, plantations, tanks, canals, places of worship, or burning or burying grounds have been made.

Power of enhancement.

XIII. Every purchaser of a tenure under Section XI of this Act shall be entitled to proceed in the manner prescribed by any law for the time being in force for the enhancement of the rent of any land coming within the fourth class of exceptions above made, if he can prove the same to have been held at what was originally an unfair rent, unless the same shall have been held for a term exceeding twelve years at a fixed rent equal to the rent of good arable land.

Saving of right of ryot.

XIV. Provided always that nothing hereinbefore contained shall be construed to entitle any such purchaser under Section XI of this Act, to eject any ryot having a right of occupancy at a fixed rent, or at a rent assessable according to fixed rules under the laws in force, or to enhance the rent of any such ryot otherwise than in the manner prescribed by such laws, or otherwise than as the former proprietor, irrespectively of all engagements made since the time of settlement, may have been entitled to do.

Certificate to be made of unliquidated arrears.

XV. Whenever an estate or tenure shall have been sold for the recovery of the arrears of revenue due on account of the same in pursuance of the powers and provisions of the said Act XI of 1859, or of this Act, and the produce of such sale, after defraying thereout the expenses of such sale, shall have been insufficient for the liquidation of all arrears of the revenue of such estate or tenure which, according to the said provisions, may be payable thereout, the Collector of the District shall make under his hand a Certificate of the amount of such arrears so remaining unliquidated, in the form in Schedule (A) to this Act annexed, and shall cause the same to be filed in his Office.

Certificate to be made of arrears payable by a farmer.

XVI. Whenever any estate may be held by any farmer, and arrears of revenue shall be unpaid from such farmer, in respect of such estate, for one month after the latest day of payment fixed in the manner prescribed in Section III of the said Act XI of 1859, the Collector of the District may make under his hand a Certificate of the amount of such arrears so remaining unpaid, in the form in Schedule (A) to this Act annexed, and may cause the same to be filed in his Office.

Certificate to have effect of decree.

XVII. Every such Certificate made in pursuance of the last two preceding Sections shall have the force and effect of a decree of a Civil Court, and the Government shall be deemed to be the plaintiff, and the person named as debtor therein shall be deemed to be the defendant.

Certificate to be made of arrears of demand payable to a Collector.

XVIII. Whenever any arrears of any demand shall be unpaid, by any person liable to pay such demand to a Collector for one month after he shall have been required to pay the same by a notice in writing under the hand of such Collector, the Collector of the District shall make under his hand a Certificate of the amount of such arrears so remaining unpaid, in the form in Schedule (A) to this Act annexed, and shall cause the same to be filed in his Office.

Certificate of demand payable to person other than a Collector.

XIX. Whenever any arrears of any demand shall be unpaid by any person liable to pay such demand to any officer other than a Collector, the officer to whom such demand is payable shall give to the Collector of the District in which such person resides, a notice in writing in the form in Schedule (B), and such Collector shall make under his hand a Certificate of the amount of such arrears so remaining unpaid, in the form in Schedule (A) to this Act annexed, and shall cause the same to be filed in his office.

Certificate to be executed as decree of Civil Court.

XX. Every such Certificate made in pursuance of the last two preceding Sections shall, as regards the remedies for enforcing the same, and subject to the provisions hereinafter contained, and so far only, have the force and effect of a decree of a Civil Court, and the Government shall be deemed to be the plaintiff, and the person named as debtor therein shall be deemed to be the defendant.

Notice of Certificate to be served.

XXI. The Collector shall, forthwith upon filing any Certificate, issue to the defendant a notice in the form in Schedule (C). From and after the service of such notice, the Certificate shall bind the immoveable property of such defendant situate within the Jurisdiction of such Collector, as if a prohibitory order had issued, and an attachment been executed, against such property under Act VIII of 1859 (*The Code of Civil Procedure*); and, shall also in like manner bind the immoveable property of such defendant situate within the jurisdiction of any other Collector in whose Office a copy of such Certificate may be filed, from the time of filing such copy.

Power of objecting to Certificate

XXII. Any person who may be aggrieved by any such Certificate may, within one month from the day on which the last-mentioned notice shall have been served, apply by petition in the form in Schedule (D), to the Collector by whom such Certificate may have been issued, that the same may be set aside or modified or varied. Such Collector, after receiving such application, shall fix a day for the hearing of such application, and shall, upon the day appointed for hearing such application, or on any other day to which such hearing may be adjourned proceed to hear and determine the application of such applicant, and may set aside or modify or vary such Certificate; and every such Collector shall, for hearing and determining any such application, have all the powers in and by the said Act VIII of 1859 conferred upon the Court for the hearing and determination of claims to attached property, and for enforcement of the costs of such claims; and in case such Collector shall direct the payment of such costs by such applicant, the amount of such costs shall, if the applicant be the defendant, be added to the amount expressed in such Certificate, and be recoverable as if the same had been originally contained therein.

Appeal on application to Collector.

XXIII. Every order made by any Collector upon any such application shall be appealable to the Commissioner: provided always that no appeal against any such order shall be brought after the expiration of one month from the date of the passing of such order.

Power to enforce Certificate.

XXIV. Every Certificate made in pursuance of Sections XV, XVI, XVIII, or XIX, of this Act, may be enforced by all or any of the ways and means

mentioned and provided in and by the said Act VIII of 1859 for the enforcement of decrees for money ; and all the practice and procedure by the said Act VIII of 1859, and by Act XXIII of 1861 *(to amend Act VIII of* 1859), or by either of them, or by any other Act for the time being to be in force in respect of sales in execution of decrees, in respect of arrests in execution of decrees for money, in respect of the execution of decrees by imprisonment, in respect of claims to attached property, and in respect of execution of decrees out of the jurisdiction of the Courts by which they were passed, shall apply to every execution issued for levying the monies expressed in such Certificate, save that all the duties, powers, and authorities by the said Act, or either of them, imposed or conferred upon the Court, shall be exercised by the Collector in whose Office any such Certificate, or any copy thereof transmitted for execution according to the provisions of Section CCLXXXVI of the said Act VIII of 1859, shall have been filed.

Certificates to be entered in Register.

XXV. Every Collector shall cause to be kept in his Office a book in such form as shall from time to time be prescribed by the Government of Bengal, and shall cause to be entered therein the particulars of every Certificate under this Act which, or a copy of which, may be filed in his Office.

Register of certificates to be open to inspection.

XXVI. Every such book shall be open to the inspection of any person desiring to see the same,during office hours, upon payment of a fee of eigt annas.

Satisfaction to be entered.

XXVII. Whenever the amount due upon any such Certificate shall be fully paid and satisfied, the Collector in whose Office such Certificate may be filed, shall enter satisfaction upon such Certificate under his own hand and signature, and shall transmit to any Collector in whose Office a copy of such Certificate may have been filed, and, in case of a demand, to the Officer to whom such demand is payable, a Memorandum of such satisfaction.

Transmission of sums received.

XXVIII. Whenever any sum shall be levied or received by any Collector in respect of any Certificate, a copy of which may have been filed in his Office under the provisions aforesaid, such Collector shall transmit such sum to the Office in which such Certificate may be filed.

Repeal of Clause

XXIX. From and after the passing of this Act, the Acts and Regulations and portions of Acts and Regulations in Schedule (E) set forth shall stand and be repeale l, so far as they are in such Schedule mentioned to be repealed.

Construction of Act.

XXX. This Act shall be read with, and taken as part of, the said Act XI of 1859, as modified by Act III of 1862 of the Lieutenant-Governor of Bengal in Council.

SCHEDULE A.—*(Referred to in Sections XV, XVI, XVIII, and XIX).*

Certificate of Arrear of Revenue (or Demand as the case may be) filed in Office of Collector of District.

Name of Debtor.	Address.	Nature of demand.	Amount of demand.	No. of Certificate.

D2

I certify that the above-mentioned sum of Rupees is due to Government from the above-named C. D.

Dated this day of 18

A. B.,
Collector of

SCHEDULE B.—(*Referred to in Section XIX*).

NOTICE OF DEMAND.

To the Collector of the District of

Name of Debtor.	Address of Debtor.	Nature of Demand.	Amount of Demand.

The above sum of is due from the said C. D. in respect of

Certified this day of

A. B.,
of

SCHEDULE C.—*(Referred to in Section XXI).*

To

C. D. OF

SIR,

Take notice that a Certificate under Sections *(XV, XVI, XVIII, or XIX as the case may be)* of Act VII of 1868, of the Lieutenant-Governor of Bengal in Council of *(Arrears of Revenue or Demand as the case may be)* No. , for the sum of Rs. , due from you on account of , has been this day fild by me in my Office, and that I shall forthwith proceed to levy the amount according to law.

A. B.,
Collector of

This day of 186 .

SCHEDULE D.—*(Referred to in Section XXII).*

To

The Collector of

The Petition of E. F., of

SHEWETH,

That a Certificate under Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council, No. , for the sum of Rupees , has been filed in your Office on the day of 186 .

That your Petitioner is aggrieved by the said Certificate.

That your Petitioner believes that such Certificate is erroneous upon the grounds following, that is to say—

That the said grounds are to the best of your Petitioner's belief, true in fact.

Your Petitioner therefore prays that the said Certificate may be set aside *(or modified, or varied)*

SCHEDULE E.—*(Referred to in Section XXIX).*

Date and Number of Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XIV of 1793 ...	A Regulation for the recovery of arrears of the Public Revenue assessed upon the lands, from Zemindars, independent Talookdars, and other actual proprietors of land, and farmers of land holding farms immediately of Government.	Section XLIV.
Regulation III of 1794 ...	A Regulation for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue, and for prescribtng the process by which Tehsildars are to demand payment of arrears ; and for enabling the Collectors to recover from Native Officers employed under them public money or papers which they may embezzle or retain ; and for expediting the trial of causes relating to the Public Revenue or the rents of individuals.	Section XIV.
Regulation VII of 1799	A regulation for enabling proprietors and farmers of land to realize their rents with greater punctuality, for providing against unnecessary delay in the payment of the Public Revenue assessed upon the lands, and for securing the ultimate recovery of arrears of revunue by a sale of the landed property from which it may be due at the close of the year.	Section XXIII, Clauses 2 and 8, and so much of Clause 5 as directs the mode of recovering any deficiency ; and Section XXV.
Act XI of 1859 ...	An Act to improve the law relating to sales of land for arrears of Revenue in the Lower Provinces under the Bengal Presidency.	Section XXV.

ACT NO. VIII. OF 1868.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 28th November 1868, and of the Governor-General on the 30th December 1868.)

An Act to repeal Act XXI of 1857 so far as it affects the Suburbs of the Town of Calcutta.

1, Repeal of Act XXI of 1857 so far as it affects the Suburbs of Calcutta.

Repeal of Act XXI of 1857 so far as it affects the Suburbs of Calcutta.

WHEREAS in accordance with Section 52 of Act 11 of 1866, passed by the Lieutenant-Governor of Bengal in Council, entitled "An Act to provide for the better regulation of the Police within the Suburbs of Calcutta," Act XXI of 1857, passed by the Governor-General of India in Council, entitled "An Act to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah," has been repealed so far as it applies to such portion of the Suburbs of the Town of Calcutta as is for the time being subjected to the operation of the said Act; and whereas the said Act II of 1866 has, by a Notification of the Government of Bengal dated the 17th October 1867, been extended so as to comprise the greater part of the Suburbs of Calcutta as defined in the said Act XXI of 1857, and it is deemed expedient to repeal the said Act XXI of 1857 within the remaining portion of the Suburbs of Calcutta as defined in the said Act;—It is hereby enacted that the said Act XXI of 1857 shall cease to apply to any portion of the Suburbs of the Town of Calcutta as herein defined.

ACT No. I. OF 1869.*

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 28th January 1868, and of the Governor-General on the 1st March 1869).

An Act for the Prevention of Cruelty to Animals.

1. *Interpretation of "animal."*
2. *Penalty on cruelty to animals.*
3. *Penalty on baiting animals, or inciting them to fight.*
4. *Penalty on permitting diseased animals to go at large or die in public places.*
5. *Penalty on employing animal unfit for labor.*
6. *Trial of offences in Calcutta.*
7. *Trial of offences out of Calcutta.*
8. *Repeal of clauses.*
9. *Limit of Act.*
10. *Power to extend Act.*

Preamble.

WHEREAS it is expedient to make provision for the prevention of cruelty to animals; It is enacted as follows:—

Interpretation of "animal."

I. The word "animal" shall be taken to mean any domestic or tamed quadruped, or any domestic or tamed bird.

Penalty on cruelty to animals.

II. Every person who shall cruelly and wantonly beat, ill-treat, abuse, torture, overdrive, or overload, or cause to be beaten, ill-treated, abused, tortured, overdriven, or overladen, any animal, shall be liable to a fine which may extend to one hundred Rupees.

Penalty on baiting animals, or inciting them to fight.

III. Every person who shall incite any quadrupeds or birds, whether domestic or wild, to fight, or shall bait any animal, or shall aid or shall abet any one in so doing, shall be liable to a fine which may extend to fifty Rupees.

Penalty on permitting diseased animals to go at large or die in public places.

IV. Every person who shall wilfully and knowingly permit any animal, of which he may be owner, to go at large in any public street, road, or thoroughfare, while such animal is affected with contagious or infectious disease, or shall wilfully permit any diseased or disabled animal, of which he may be owner, to die in any public street, road, or thoroughfare, shall be liable to a fine which may extend to one hundred Rupees.

Penalty on employing animal unfit for labor.

V. Every person who shall employ or cause to be employed in any work or labor, any animal which, in consequense of any disease, infirmity, wounds, or sores, is unfit to be so employed, shall be liable to a fine which may extend to fifty Rupees.

Trial of offences in Calcutta.

VI. All complaints of offences against the provisions of this Act, alleged to have been committed in the Town of Calcutta, shall be heard and determined in a summary way by some Police Magistrate of Calcutta.

Trial of offences out of Calcutta.

VII. Every charge of an offence against the provisions of this Act, alleged to have been committed out of Calcutta, may be heard and determined by any Officer authorized to exercise any of the powers of a Magistrate in the place in which such offence may be alleged to have been committed, and the provisions of the Code of Criminal Procedure shall apply to the trial of every such charge.

Repeal of Clauses.

VIII. Section LXVII of Act IV of 1866, and Clause 16 of Section XL of Act II of 1866, respectively, passed by the Lieutenant-Governor of Bengal in Council, are hearby repealed.

Limit of Act.

IX. This Act shall extend to the Town of Calcutta, and to the Suburbs of the Town of Calcutta as defined by any Notification under Section I of the said Act II of 1866.

Power to extend Act.

X. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to extend this Act to any city, town, station, bazar, cantonment, village, district, or portion of a district, to be mentioned and defined in such order; and from time to time, by any order published as aforesaid, to revoke, vary, amend, or alter any such order.

* *See* Act III. of 1869 of the Bengal Council.

ACT No. II of 1869.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 28th January 1869, and of the Governor-General on the 9th March 1869.)

An Act to ascertain, regulate, and record certain tenures in Chota Nagpore.

1. Construction. "Bhúinhári." "Majhahas." "The Special Commissioner."
2. Power to appoint Commissioners for purposes of Act. Limits of Jurisdiction.
3. Duties of Special Commissioner.
4. Powers of Special Commissioner.
5. Contents of record.
6. Power to restore persons wrongfully dispossessed.
7. Presumption as to services to be rendered.
8. Lands not to be registered if tenure commenced within 20 years.
9. Power to apply for commutation of services.
10. On such application notice to appoint assessors to be served.
11. Special Commissioner to hear application with assistance of assessors.
12. Decision to be by Special Commissioner.
13. Review of such decision to be heard by Special Commissioner alone.
14. Power of appeal.
15. Power to apply for review of judgment.
16. Application for review to be made within a month.
17. Power to grant or refuse review.
18. Review not to be granted without notice.
19. On grant of application for review, re-hearing to be directed.
20. Decision to be final.
21. No Mukhtar nor Vakil to be heard.
22. Petition under Act not to be subject to Stamp Duty.
23. Lieutenant-Governor may make rules.
24. Effect of judgment in suits commenced after Act passed.
25. Register to be confirmed and published.
26. Register to be conclusive evidence of matters recorded therein.
27. Short title.

Preamble.

WHEREAS from a very early time certain tenures have existed in Chota Nagpore, known as Bhúinhári, held by persons claiming to be descendants of the original founders of the villages in which such lands are situated, or their assigns; and also certain similar tenures knwn as Bhút-Kheta, Dáli-Kátári, and Páhnái, consisting of lands set apart for the duties which the Village "Páhan," or Priest, is required to perform, and for his maintenance, and also other similar tenures known as "Mahtoai," consisting of lands allotted to the Village Mahto, or collector of rents; and whereas, where the above tenures are found, there are also lands known as Majhahas, reserved for the use of the respective proprietors of the villages, and at their absolute disposal, and also lands known as Bhet-Khetá ordinarily assigned as remuneration to the villagers who work for the proprietor or his assigns on the Majhahas land; and whereas disputes have arisen rendering it desirable that these tenures should be defined and recorded, and a register made of all rights, privileges, immunities, and liabilities affecting the holders thereof; It is enacted as follows:—

Construction.

I. In the construction of this Act, the words and expressions followiug shall have the meanings hereinafter in this section attributed to them respectively, unless a contrary sense be apparent from the context:—

"Bhuinhari."

The word "Bhúinhári" shall include the tenures mentioned in the Preamble as Bhút-Khetá, Dáli Kátári, Páhnái, and Mahtoai.

"Majhahas."

The words "Majhahas" shall include the tenure mentioned in the Preamble as Bhet-Khetá.

"The Special Commissioner."

The words "The Special Commissioner" shall be taken to mean a Commissioner to be appointed for the purposes of this Act.

Power to appoint Commissioners for purposes of Act.

II. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to appoint one or more persons, as may be judged expedient, to be a Commissioner or Commissioners for the purposes of this Act, and by an order, also published in the *Calcutta Gazette*, to define the limits within which each Special Commissioner so to be appointed shall exercise juris-

Limits of jurisdiction.

diction under this Act ; and from time to time, in like manner, to vary or revoke any order made by the said Lieutenant-Governor under the provisions of this Act, and to appoint some other person or persons to be Commissioners for the purposes of this Act.

Duties of Special Commissioner.

III. Each Special Commissioner so appointed shall, with all convenient speed, investigate and ascertain the titles and tenures of all lands within the limits so assigned to him, which may be alleged by any person to be held upon Bhúinhári and Majhahas tenures respectively, and shall demarcate the same.

Powers of Special Commissioner.

IV. In making such investigation, the Special Commissioner, in addition to all powers conferred on him by this Act, shall, as far as may be necessary for the purposes of this Act, exercise all such and the same powers as are conferred by Regulation VII of 1822, and the Regulation and Acts amending the same, upon a Collector making a settlement of land revenue.

Contents of record.

V. The Special Commissioner shall make an accurate Register, in such form as may from time to time be ordered by the Lieutenant Governor of Bengal, of the lands which he may ascertain to belong to the Bhúinhári and Majhahas classes respectively, of the conditions to be fulfilled, and the rents and services to be rendered in respect of the several lands of those classes which he may ascertain to be held subject to any conditions, rents, or services ; and of the rights and privileges to be enjoyed in respect of any such lands.

Power to restore persons wrongfully dispossessed.

VI. In case it shall be proved to the Special Commissioner that any person who within twenty years next before the passing of this Act held any lands of Bhúinhári or Majhahas tenure, has been wrongfully dispossessed of such lands, the Special Commissioner shall cause such person, or in case of his being dead, the heir of such person, to be put in possession of such lands, and shall cause the name of the person so put in possession to be entered in the Register as the occupant of the said lands on any Bhúinhári or Majhahas tenure, as the case may be.

Presumption as to services to be rendered.

VII. It shall be presumed that all lands which may be found under the provisions of this Act to be of Bhúinhári or Majhahas tenure respectively are rightly subject to the conditions, rents, and services upon which such lands respectively are found to be held at the time of the enquiry made by the Special Commissioner, unless it be proved that at some former time, within twenty years before the passing of this Act, such lands were held subject to and upon other and different conditions, rents, and services ; in which case it shall be presumed that such lands are rightly subject to the conditions, rents, and services, subject to which they shall be proved to have been held at the earliest period within the said term of twenty years with respect to which such proof shall have been given.

Lands not to be registered if tenure Commenced within 20 years.

VIII. No lands shall be registered as lands of Bhúinhári or of Majhahas tenure if it be proved that the occupation of such lands upon such tenure commenced within the term of twenty years before the passing of this Act, unless it be proved that such occupation was in pursuance or revival of an occupation upon such tenure rightfully enjoyed before the commencement of such term.

Power to apply for commutation of services.

IX. Whenever any lands of Bhúinhári tenure are held subject to any conditions or services other than or besides the payment of a rent in money, it shall be lawful for the Bhúinhári tenant of such lands, or for any person who may have the immediate right of receiving the rents and services issuing from such lands (provided such last mentioned person has such right in perpetuity), or if there be no such person other than the zemindar, then for the zemindar, to apply in writing to the Special Commissioner for the commutation of all such conditions and services other than or besides the payment of a rent in money.

On such application notice to appoint assessors to be served.

X. On receipt of any such application, the Special Commissioner shall cause to be served upon each of the persons, who under the provisions of Section IX would have a right to make such application, a notice in writing requiring such person, within ten days from the day of the service of such notice, to nominate, by notice in writing to the Special Commissioner, some person to act as assessor to the Special Commissioner in fixing the amount of rent which shall be payable in commutation for such conditions and services, and to be present before the Special Commissioner, and to cause such assessor to be there present upon some day to be named in such notice, and not to be less than fifteen days from the day of the service of such notice.

Special Commissioner to hear application with assistance of assessors.

XI. Upon the day which shall have been appointed by the Special Commissioner for the attendance of the parties and assessors as hereinbefore is provided, the Special Commissioner shall, with the assistance of any assessors who may have been, within the time hereinbefore respectively in that behalf mentioned, duly nominated as aforesaid, and who may be present; and if there be no such assessors, then without such assistance, proceed to consider and determine the amount of rent fairly and equitably to be payable in commutation of the conditions and services other than rent to which such tenure may be subject

Decision to be by Special Commissioner

XII. The opinion of each assessor shall be given orally, and shall be recorded in writing by the Special Commissioner, but the decision is vested exclusively in the Special Commissioner.

Review of such decision to be heard by Special Commissioner alone.

XIII. In case any review of any decision under Section XII may be ordered, such review shall be heard and determined by the Special Commissioner without the assistance of assessors; and in case, in consequence of any order on appeal, a further enquiry into the subject-matter of any such decision may be necessary, such further enquiry may, if he shall so think fit, be heard and determined by the Special Commissioner without the assistance of assessors.

Power of appeal.

XIV. Any person who may be aggrieved by any decision or order of the Special Commissioner made under this Act, may appeal to the Commissioner of the Division against such decision or order by a petition; but no such petition shall be received after the expiration of three months from the date of such decision or order, unless sufficient cause for the delay be shewn to the satisfaction of the said Commissioner of the Division, who shall have power to hear and determine the matter of every such petition of appeal.

Power to apply for review of judgment.

XV. Any person considering himself aggrieved by any order or decision of the Special Commissioner from which no appeal shall have been preferred, or by any order of the Commissioner of the Division in appeal, may apply for a review of judgment by the Officer by whom such order or decision was made.

Application for review to be made within a month.

XVI. Such application may be made within one month from the date of the order or decision, and not afterwards.

Power to grant or refuse review.

XVII. If the Special Commissioner or the Commissioner of the Division, as the case may be, shall be of opinion that there are not any sufficient grounds for a review, he shall reject the application; but if he shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Special Commissioner or the Commissioner of the Division, as the case may be, shall grant the review, and his order in either case, whether for rejecting the application or granting the review, shall be final.

Review not to be granted without notice.

XVIII. No review of an order or decision shall be granted until notice shall have been given to every person who had appeared in the proceedings in which such order or decision was made, and whose interest would be injuriously affected by the review desired.

On grant of application for review re hearing to be directed.

XIX. When an application for a review of judgment is granted, such order shall be made for re-hearing the matter in respect of which such order or decision shall have been made as may seem proper.

Decision to be final.

XX. No decision or order of the Special Commissioner shall be in any way altered, varied, or reversed, save on review by the Special Commissioner under Sections XV, XVI, XVII, XVIII, and XIX of this Act, or by appeal to the Commissioner of the Division under Section XIV of this Act; and no suit shall be received in any Court to vary or set aside any such order or decision of the Special Commissioner, or any decision or order upon appeal or upon review by the Commissioner of the Division made under the provisions of this Act; and every such decision or order upon appeal by the Commissioner of the Division shall be final, unless it be altered, varied, or reversed by the said Commissioner on review under Sections XV, XVI, XVII, XVIII, and XIX of this Act.

No Mukhtar nor Vakil to be heard.

XXI. No Mukhtár nor Vakíl shall, without the consent of the Special Commissioner, be heard in any proceeding before such Special Commissioner.

Petitions under Act not to be subject to Stamp Duty.

XXII. No petition presented to the Special Commissioner in pursuance of or under the provisions of this Act, or in pursuance of or under any rules or orders to be made by the Lieutenant-Governor under the provisions of this Act in relation to or affecting any matter cognizable under the provisions of this Act, shall be subject to any Stamp Duty.

Lieutenant-Governor may make rules.

XXIII. It shall be lawful for the said Lieutenant-Governor from time to time to make such rules and orders as to him may seem fit for regulating the practice and procedure to be followed in making the enquiries, investigations, and registers required by this Act, and all reviews thereof and appeals therefrom; and such rules and orders, when published in the *Calcutta Gazette*, shall have the same force and effect as if the same were a portion of this Act.

Effect of judgment in suits commenced after Act passed.

XXIV. No Judgment, decree, or order in any suit instituted after the passing of this Act, shall be evidence in any enquiry before the Special Commissioner respecting the tenure upon which any land is held, or the rents, services, or conditions to which any land is subject.

Register to be confirmed and published.

XXV. The Register of each village, prepared under the provisions of Section V of this Act, shall, when finally revised and corrected in accordance with any decisions and orders of the Special Commissioner and the Commissioner of the

Division, under this Act, be confirmed by the Commissioner of the Division, and such confirmation shall be published forthwith in the *Calcutta Gazette*,

Register to be conclusive evidence of matters recorded thereon.

XXVI. Every register to be prepared under this Act, after publication of the confirmation thereof in pursuance of the Section next preceding, shall be conclusive evidence of all matters recorded in such Register in pursuance of this Act; and from and after such publication of the confirmation of the Register relating to any village, no evidence shall be received that any lands in such village not mentioned in such Register are of Bhúinhári or Majhahas tenure.

Short title.

XXVII. This Act shall be called "The Chota Nagpore Tenures' Act, 1869."

ACT No. III of 1869.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 29th July 1869, and of the Governor-General on the 13th August 1869).

An Act to enable Police Officers to arrest without Warrant persons guilty of Cruelty to Animals.

1. *Power to arrest without warrant persons guilty of cruelty.*
2. *Act to apply to Calcutta and Suburbs.*
3. *Power to extend Act,*

Preamble.

WHEREAS it is expedient to enable Police Officers in certain places to arrest without warrant any person committing, within their view, any offence against Act I of 1869, passed by the Lieutenant-Governor of Bengal in Council, entitled an Act for the prevention of Cruelty to Animals; It is enacted as follows;—

Power to arrest without warrant persons guilty of cruelty.

I. Every Police Officer may arrest without a warrant any person committing, in his view, any offence against the said Act I of 1869.

Act to apply to Calcutta and Suburbs.

II. This Act shall apply to the Town of Calcutta, as defined in Act IV of 1866, passed by the Lieutenant-Governor of Bengal in Council, and in the Suburbs of the Town of Calcutta, as the same may from time to time be defined by any Notification to be from time to time published by the said Lieutenant-Governor, in pursuance of the provisions of Act II of 1866, and save as hereinafter is provided to such Town and Suburbs only.

Power to extend Act.

III. It shall be lawful for the Lieutenant-Governor of Bengal, by a Notification to be published in the *Calcutta Gazette*, to extend this Act to any Town Suburb, District, or tract of country, mentioned and defined in such Notification; and from and after the publication of such Notification, this Act shall extend and apply to the Town, Suburb, District, or tract of country therein mentioned and defined.

ACT No. IV. of 1869.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 12th August 1869 and of the Governor-General on the 24th idem.)

An Act better to provide for the improvement of the Port of Calcutta.

1. *Justices to cease to be Trustees.*
2. *Property of Port Fund to be vested in Secretary of State.*
3. *Administration of Port to be vested in Lieutenant-Governor.*
4. *Lieutenant-Governor not to have power to raise money on debentures.*
5. *Repeal of Sections.*
6. *Construction.*

Preamble.

WHEREAS the provisions of Act X of 1866 passed by the Lieutenant-Governor of Bengal in Council, entitled "An Act for the improvement of the Port of Calcutta," have proved inoperative, and the Trustees in and by the said Act appointed have ceased to perform or exercise the duties and powers in and by the said Act imposed and conferred upon them; and whereas it is expedient to provide for the performance and exercise of such duties and powers in the meantime and until some permanent arrangement may be made for the conservancy and improvement of the Port of Calcutta; It is hereby enacted as follows:—

Justices to cease to be Trustees.

I. From and after the passing of this Act the Justices of the Peace for the Town of Calcutta incorporated under Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, shall cease to be Trustees for carrying out the purposes of the said Act X of 1866.

Property of Port Fund to be vested in Secretary of State.

II. All property which at the time of the passing of this Act may be vested in the Justices under or by virtue of the said Act X of 1866, or otherwise for the purposes thereof, shall be, and the same hereby is vested in the Secretary of State for India in Council, and the same and all monies to be raised or payable under the provisions of the said Act or of this Act, shall be applied for the purposes of the said Act and of this Act. Provided, always, that the right under the said Act of all creditors of the Justices shall continue as against the said Secretary of State in Council to the extent of the property hereby vested in him.

Administration of Port to be vested in Lieutenant-Governor.

III. Save as hereinafter is provided, the immediate administration of the powers and trusts in and by the said Act X of 1866 vested in the "Committee of Justices for the improvement of the Port of Calcutta," and all powers and authorities in and by the same Act vested in the Justices of the Peace for the Town of Calcutta, shall be vested in the Lieutenant-Governor and may be exercised by him, or, in case he shall by any writing under his hand commit the exercise of the same or of any portion thereof to any person or persons, by such person or persons, so far as the same shall have been committed to him or them, subject, however, in all things to the control and supervision of the said Lieutenant-Governor of Bengal.

Lieutenant-Governor not to have power to raise money on debentures.

IV. Notwithstanding any thing in the said mentioned Act or in this Act contained, it shall not be lawful for the Lieutenant-Governor of Bengal, or any person appointed by him, to raise any money by debentures so as to charge the same on the said property hereinbefore mentioned, or on the tolls, duties, rates, or charges leviable under the said Act X of 1866 or this Act, save for the purpose of paying off any money which for the time being may be due on any debentures issued in pursuance of the said Act X of 1866.

Repeal of Sections.

V. From and after the passing of this Act the Sections of the said Act X of 1866 mentioned in the Schedule to this Act shall be repealed.

Construction.

VI. This Act shall be read together with and as part of the said Act X of 1866.

SCHEDULE OF LAWS REPEALED.

Number and date of Act.	Title.	Extent of Repeal.
Act X of 1866 ...	An Act for the improvement of the Port of Calcutta.	Sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27.

ACT No. V OF 1869.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL

(Received the assent of the Lieutenant-Governor on the 12th August 1869, and of the Governor-General on the 26th idem.)

An Act to empower the Lieutenant-Governor of Bengal to direct Courts of Session to be held in different towns in a District.

1. *Trials may be held in any place in a District.*

Preamble.

WHEREAS doubts have arisen whether cases committed for trial to any Court of Session can be legally tried by such Court at any place other than the usual

place of sitting of the Court of Session or the Head-Quarters of the Magistrate of a District; and whereas it is expedient that such doubts should be removed, and that provision should be made for the various Courts of Session sitting at places other than their usual places of sitting, or the Head-Quarters of Magistrates of Districts; It is enacted and declared as follows:—

Trials may be held in any place in a District.

All trials which may have heretofore been held, or may hereafter be held, before any Court of Session at any place which may have been, or which shall be appointed by the Lieutenant-Governor and approved by the High Court as a place for holding such Court of Session, shall, if such place be within the District of the Judge of such Court of Session, although it be not the usual place of sitting of such Court, nor the Head-Quarters of the Magistrate of a District, be as good and valid in law as if the place at which they had been held had been the usual place of sitting of the Court of Session or the Head-Quarters of the Magistrate of a District.

ACT No. VI of 1869.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 29th July 1869, and of the Governor-General on the 30th August 1869.)

An Act to provide for the recovery of Rates for Water supplied for purposes of Irrigation.

1. *Repeal of Sections 2, 3, and 4 of Act VIII of 1867.*
2. *Provisions of Act VIII of 1867 to apply.*
3. *Powers under Act VIII of 1867 to continue.*
4. *Exercise of powers under Act VIII 1867.*
5. *Power to make Rules.*
6. *Water-rate to be deemed rent.*
7. *Jurisdiction in suits under this Act.*
8. *Construction of Act.*

Preamble.

WHEREAS the proprietary right in certain works for the supply of water in the districts and deltas of the Rivers Mahanuddy, Byturny, and Brahmany, and their affluents, which formerly belonged to the East India Irrigation and Canal Company, has been vested in the Secretary of State for India in Council; and whereas it is expedient that provision should be made for the speedy recovery of rates or dues for water supplied for irrigation, and of claims connected with such rates and such water so supplied, and for the prevention of waste and abstraction of such water; It is hereby enacted as follows:—

Repeal of Sections 2, 3, and 4, of Act VIII of 1867.

I. Sections II, III, and IV of Act VIII of 1867, passed by the Lieutenant-Governor of Bengal in Council, are hereby repealed.

Provisions of Act VIII of 1867 to apply.

II. All other provisions of the said Act VIII of 1867 shall continue to be applicable notwithstanding the said change of proprietary right, except where they may be inconsistent with this Act.

Powers under Act VIII of 1867 to continue.

III. All powers vested in any Officers or Authorities by the said Act VIII of 1867 shall continue to be exercised by such Officers or Authorities notwithstanding the transfer of the said Canals to the Secretary of State for India in Council, except in so far as is otherwise provided by this Act.

Exercise of powers under Act VIII of 1867.

IV. All duties, authorities, and powers which by the said Act VIII of 1867 are imposed or conferred on the said Company or any of its Officers, shall, from and after the passing of this Act, be imposed and conferred on such Officers as the Lieutenant-Governor may appoint in that behalf, and shall be by such last mentioned Officers fulfilled and exercised accordingly.

Power to make Rules

V. It shall be lawful for the Lieutenant-Governor, from time to time, by any writing signed by him, to make such Rules as to him shall seem meet, respecting the distribution of water from the said Canals, respecting the assessment of rates to be paid for the supply of water on agreements made, respecting the management and regulation of all works connected with Irrigation, respecting tolls to be levied on Navigable Irrigation Canals, and and respecting the Officers

who shall superintend the Irrigation works, the distribution of water, and the assessment of the rates, and from time to time in like manner to alter, vary, or revoke any such Rules; and every such Rule or alteration or revocation of a Rule shall, from and after it shall have been published in the *Calcutta Gazette*, have such and the same force and effect as if the same were a portion of this Act.

Water rate to be deemed rent.

VI. All rates which shall be payable under this Act for water supplied for the purposes of irrigation shall be deemed rent payable on a pottah or engagement in respect of the land which shall have been irrigated by such water, and the provisions of every Act for the time being in force in the district in which such water may be supplied for the recovery of rent shall be applicable to the recovery of such arrears of water-rate, and such water-rate shall be recoverable by such and the same procedure and before such and the same Court, as rent due for the land for which such water shall have been supplied would for the time being be recoverable; and suits for the recovery of arrears of such water-rate shall not be cognizable by any other Court or in any other manner. Provided that the claim (if any) for rent due in respect of such land shall have priority over any arrears of water-rate so far as regards recovery of rent by the exercise of the power of distraint, and all arrears of water-rate payable to any Collector shall be deemed to be demands within the meaning of Act VII of 1868 passed by the Lieutenant-Governor of Bengal in Council, and shall, in case the Collector shall think fit to proceed for the recovery of such arrears under the provisions of the said Act or of any other Act altering or amending the same, instead of by suit in any Court, be recoverable according to such provisions.

Jurisdiction in suits under this Act.

VII. All suits arising out of the exercise of the power of distraint for recovery of water-rates, or out of any acts done under color of the exercise of the said power of distraint; and all suits by persons in receipt of the water-rates against any agents employed by them in the collection of such water-rates, or the sureties of such agents, for money received or for accounts kept by such agents in the course of such employment, or for papers in their possessions shall be cognizable, and all decrees and orders in such suits shall be made and executed, by such and the same Courts or authorities and in such and the same manner as if such water-rate were rent due for the land for the irrigation of which such water shall have been supplied, and such suits shall not be cognizable by any other Court or authority, nor in any other manner.

Construction of Act.

VIII. This Act shall be read with, and as part of, the said Act VIII of 1867.

ACT No. VII. OF 1869.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 26th August 1869, and of the Governor-General on the 18th September 1869).

An Act to amend the Constitution of the Police Force in Bengal.

1. *Repeal of Section 2 Act V of 1869.*
2. *Power to divide the Provinces into Police Districts.*
3. *Power to appoint in Districts persons to execute duties of Inspector-General*
4. *Police Establishment in each District to be considered one Police Force.*
5. *Power to employ Police out of District.*
6. *Construction of Act.*

Preamble.

WHEREAS it is expedient that the entire Police Establishment in the Provinces under the control of the Lieutenant-Governor of Bengal should cease to be one Police Force, and that the said Provinces should cease to be one General Police District under one Inspector-General; It is enacted as follows:—

Repeal of Section 2 Act V of 1861.

I. Section II of Act V of 1861 is repealed, so far as it relates to the Provinces under the control of the Lieutenant-Governor of Bengal.

Power to divide the Provinces into Police Districts.

II. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to divide the said Provinces into as many General Police Districts as he may think fit: and from time to time to vary and alter any of such General Police Districts, or to consolidate two or more of such General Police Districts into one District, as he may think fit.

Power to appoint in Districts persons to execute duties of inspector-General.

III. It shall be lawful for the said Lieutenant-Governor, in each such General Police District, to appoint some person to exercise in such District the powers of an Inspector-General of Police, whether such person shall or shall not hold any other office under the said Lieutenant-Governor; and the administration of the Police throughout such General Police District, and all powers and authorities by the said Act V of 1861 or any other Act conferred on an Inspector-General of Police, shall be vested in such person.

Police Establishment in each District to be considered one Police Force.

IV. The entire Police Establishment in every such District shall, for the purposes of the said Act V of 1861, be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such Force shall receive such pay, as shall from time to time be ordered by the said Lieutenant-Governor, subject to the sanction of the Governor-General of India in Council.

Power to employ Police out of District.

V. It shall be lawful for the Lieutenant-Governor to employ members of the Police Force who have been enrolled in, or appointed to, any one General Police District, in any other General Police District within the Provinces subject to his control; and the powers conferred on Police Officers by the Code of of Criminal Procedure may be by them exercised in any portion of the said Provinces without reference to the local limits of the General Police District to which they may respectively belong.

Construction of Act.

VI. This Act shall be read and taken in the Provinces under the control of of the Lieutenant-Governor of Bengal as part of the said Act V of 1861.

ACT No. VIII OF 1869.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 21st August 1869, and of the Governor General on the 15th October 1869.

An Act to amend the procedure in Suits between Landlords and Tenants.

1. *Interpretation of "Collector."*
2. *Ryots entitled to a pottah.*
3. *Ryots holding land at fixed rates to receive pottahs.*
4. *Presumption if rent of land be not changed for 20 years.*
5. *Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.*
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48. After action brought, defendant may pay into Court, without costs, money tendered before action brought. Costs if plaintiff goes on and recovers no more.
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59. Procedure on sale of under-tenure.
60. Contents of notice of sale of under-tenure.
61. Under-tenures not to be sold while other execution in force.
62. How the sale may be stayed by person interested in under-tenure.
63. If third party claim to be the lawful possessor of such under-tenure, Court to stay the sale and to enquire into and adjudicate upon the claim, upon decree being paid or secured. Non-registered transfers not to be recognized.
64. Execution of decrees given in favor of sharers in undivided estates or tenures.
65. Execution of judgment.
66. Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.
67. Zemindar how to proceed if purchaser do not register.
68. Produce of the land to be held hypothecated for the rent. Arrears of rent may be recovered by distraint under the following rules. Cultivators who have given security to be exempt from distraint. Proviso.
69. No distraint in certain cases.
70. Power of distraint to be exercised by managers under the Court of Wards, &c. Proviso.

71. Standing crops, and crops gathered but not stored, liable to distraint.
72. Defaulter to be served with a written demand, &c., before or at the time of distraint.
73. Distress to be proportionate to the arrear if not paid or tendered.
74. Standing crops, &c. when attached, to be reaped and stored by the cultivator, or, if he neglect to do so by the distrainer.
75. Distrainer may apply for aid to the Court upon occasion of resistance made or apprehended.
76. Persons empowered to distrain may give written authority to their servants to do so.
77. Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.
78. Application for sale.
79. Form of application. Cost of notice upon defaulter to be deposited by distrainer.
80. Procedure by Civil Court on receipt of application.
81. Sale to be suspended when suit instituted.
82. Suit to contest distrainer's demand before issue of notice of sale
83. Distress to be withdrawn on receipt of Court's certificate that the owner has executed a bond to pay amount of decree with interest and costs.
84. Value of claim in suits disputing distress
85. On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.
86. Place and manner of sale of distrained property.
87. If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.
88. Payment of purchase-money.
89. Proceeds of sale.
90. Officers holding sales prohibited from purchasing.
91. All irregularities to be reported to the Court.
92. Recovery of expenses if Officer proceed to place of sale and no sale take place.
93. Proceedings of Officers, &c., subject to revision and orders of Court.
94. Second proclamation of sale.
95. Procedure after institution of suit to contest distrainer's demand.
96. Any person whose property has been distrained for arrears of rent, alleged to be due from another, may institute a suit against the distrainer.
97. Persons prevented from suing in time to save their property from sale, may sue for damages.
98. Also persons aggrieved by any illegal act of distrainer.
99. Unlawful distraint.
100. Time for commencing suits for damages.
101. Procedure on resistance to distraint, &c.
102. No appeal from any decree of the District Judge for money below 100 Rupees, unless it involve the right to enhance rent or a title to land.
103. Review of judgment.
104. Small Cause Court not to have jurisdiction.
105. Power to issue process free of charge.
106. Application of act.
107. Certain enactments to cease to have operation in places in which this Act takes effect.
108. Pending suits to be carried on under former practice.
109. Act not to affect powers conferred by the Chota Nagpore Tenures Act.
110. Act VII of 1868 saved.
111. Short title.

Preamble.

WHEREAS it is expedient to amend the precedure in suits between Landlords and Tenants in the Provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

Interpretation of "Collector."

I. In the construction of this Act the word "Collector shall include a Deputy Collector in charge of a Sub-Division or other officer exercising the powers of a Collector of a District or of a Deputy Collector in charge of a Sub-Division, by whatever designation such officer may be called.

Ryots entitled to a pottah.

II. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars:-

The quantity and boundaries of the land; and where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered and the time and manner of delivery.

Ryots holding land at fixed rates to receive pottahs.

III. Ryots who, in any Province to which this Act may apply, hold lands at fixed rates of rent, which shall not have been changed from the time of the Permanent Settlement of such Province, are entitled to receive pottahs at those rates.

Presumption if rent of land be not changed for 20 years.

IV. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a ryot in any such Province has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the Permanent Settlement, unless the contrary be shewn, or unless it be proved that such rent was fixed at some later period.

Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.

V. Ryots having right of occupancy, but not holding at fixed rates as described in the two preceding Sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shewn in a suit by either party under the provisions of this Act.

Right of occupancy of ryot cultivating or holding land for 12 years.

VI. Every ryot who shall have cultivated or held land for a period of twelve years shall have a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to Khomar, Neejjote, or Seer land belonging to the proprietor of the estate or tenure and let by him on lease for a term, or year by year, nor (as respects the actual cultivator) to lands sub-let for a term, or year by year, by a ryot having a right of occupancy. The holding of the father or other person from whom a ryot inherits shall be deemed to be the holding of the ryot within the meaning of this Section.

Saving of terms of written contracts.

VII. Nothing in the last preceding Section shall be held to affect the terms of any written contract for the cultivation of land entered into between a landholder and a ryot, when it contains any express stipulation contrary thereto.

Pottahs to which ryots not having rights of occupancy are entitled.

VIII. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

If on trial of suit for delivery of pottah, parties do not agree as to the time for which the pottah is granted, Court to fix to time.

Proviso.

IX. If on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy, the parties do not agree as to the term for which the pottah is to be granted, the Court shall fix such term as under the circumstances of the case may seem just and proper; provided that the term shall not in any case be longer than ten years, and, in estates not permanently settled, shall not extend beyond the period for which the proprietor of the estate has engaged with Government: provided also that if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest. For cultivators not having a right of occupancy the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

Person granting pottah entitled to a counterpart engagement.

X. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted, a kubooliyet or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah, such as the ryot is entitled to receive, shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot.

Damages for exactions in excess of rent or for receipt withheld.

Form of receipt.

XI. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator, from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent, damages not exceeding double the amount so exacted or paid. Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

Payment of rent to be enforced under this Act.

XII. All power at any time heretofore vested in zemindars and other landholders of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose is withdrawn, and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them, other than by suit or distress, or otherwise under the provisions of this Act.

Damage for extorting payment of rent by duress.

XIII. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any

case the sum of two hundred Rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this Section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

Enhancement of rent of ryot holding without, or after expiry, &c., of written engagements.

XIV. No under-tenant or ryot, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired, or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengallee year prevails, in or before the month of Poos, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed. Such notice shall be served by order of the Collector in whose jurisdiction the lands are situate, on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally upon the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence; or, if he have no such place of residence in the District in which the land is situate, the mode of service of such notice shall be by affixing it at the Mál Cutcherry of such land or other conspicuous place thereon, or at the Village Chowree or Chowpal, or at some other conspicuous place in the village in which the land is situate.

Mode of contesting enhancement of rent.

XV. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent.

Dependant talookdar, &c., holding land at fixed rent without change since Permanent Settlement not liable to enhancement of rent.

XVI. No dependent talookdar, or other person possessing a permanent transferable interest in land intermediate between the proprietor of an estate and the ryot, who, in any province to which the provisions of this Act may apply, holds his talook or tenure (otherwise than under a terminable lease, at a fixed rent which has not been changed from the time of the Permanent Settlement, shall be liable to any enhancement of such rent, anything in Section LI Regulation VIII of 1793, or in any other law, to the contrary notwithstanding.

Rent of talookdar, &c., not changed for twenty years, to be *primâ facie* evidence of occupancy at that rent since the Permanent Settlement.

XVII. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the Permanent Settlement, unless the contrary be shewn, or it be proved that such rent was fixed at some later period.

Grounds on which ryot having right of occupancy is liable to enhanced rent.

XVIII. No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him, except on some one of the following grounds, namely:—

That the rate paid by him is below that prevailing in adjacent places.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of the land, &c., has increased independently of the ryot.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the ryot is greater than he has paid rent for.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

When ryot may claim abatement of rent.

XIX. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

Relinquishment of land by ryot after notice given.

XX. Any ryot, who desires to relinquish the land held or cultivated by him, shall be at liberty to do so provided he gives notice of his intention, in writing, to the person entitled to the rent of the land or his authorized agent, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengallee year prevails, in or before the month of Poos, of the year preceding that in which the relinquishment is to have

effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land. If the person entitled to the rent of the land, or his agent, refuse to receive any such notice, and to sign a receipt for the same, the ryot may make an application on plain paper to the Collector in whose jurisdiction the lands are situate, who shall thereupon cause the notice to be served on such person or his agent in the manner provided in Section XIV.

What to be deemed an arrear of rent under this Act.

XXI. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act, and, unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

Liability of ryot to be ejected for arrear due.

XXII. When an arrear of rent remains due from any ryot at the end of the Bengallee year or at the end of the month of Jeyt of the Fuslee or Willayuttee year, as the case may be, such ryot shall be liable to be ejected from the land in respect of which the arrear is due: provided that no ryot having a right of occupancy, or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

XXIII. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected: provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

Proviso.

Suits by or against Surburakars or Tehseeldars of estates held khas.

XXIV. All suits which under the provisions of this Act may be brought by or against zemindars or other persons in the receipt of the rent of land, may be brought by or against Surburakars or Tehseeldars of estates held under khas management, whether such estates are the property of Government or of individuals.

Proprietor's right to survey and measure his estate.

XXV. Every proprietor of an estate or tenure, or other person in receipt of the rents of an estate or tenure, has the right of making a general survey and measurement of the lands comprised in such estate or tenure, or any part thereof, unless restrained from doing so by express engagement with the occupants of the lands.

Registry of transfers of talookdars, &c.

XXVI. All dependent talookdars and other persons possessing a permanent transferable interest in land intermediate between the zemindar and the cultivator, are required to register, in the Sheristah of the zemindar or superior tenant to whom the rents of their talooks or tenures are payable, all transfers of such talooks or tenures, or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance. And every zemindar or superior tenant is required to admit to registry and otherwise give effect to all such transfers when made in good faith, and all such successions and divisions. Provided that no zemindar or superior tenant shall be required to admit to registry or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent in writing of the zemindar or superior tenant.

Limitation of certain suits.

XXVII. All suits instituted for the recovery of damages on account of the illegal exaction of rent, or of any authorised cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress, or on account of the excessive demand of rent, and all suits for abatement of rent, and all suits to eject any ryot or to cancel any lease on account of the non-payment of arrears of rent or of the breach of the conditions of any contract by which a ryot may be liable to be ejected, or a lease may be liable to be cancelled, and all suits to recover the occupancy of any land, ifarm, or tenure from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same, and all suits arising out of the exercise of the power of distraint for arrears of rent conferred on zemindars and others by this or any other Act or out of any acts done under color of the exercise of the said power, shall be commenced within the period of one year from the date of the accruing of the cause of action, and not afterwards.

Limitation of suits for grant of pottahs, &c.

XXVIII. Suits for the delivery of pottahs or kubooliyets, and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy.

Limitation of suits for arrears of rent.

XXIX. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeyt of the Fuslee or Willayutee year, in which the arrear claimed shall have become due: Provided that if the suit be for the recovery of rent at a higher

rate than was payable in the previous year, such rent having been enhanced after issue of notice under Section XIII of Act X of 1859, or under Section XIV of this Act; and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year, on account of which such enhanced rent is claimed.

Limitation of suits against agents for money, paper, or accounts.

XXX. Suits for the recovery of money in the hands of an agent or for the delivery of accounts or papers by an agent, may be brought at any time during the agency or within one year after the determination of the agency of such agent: Provided that if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case be brought at any time exceeding three years from the termination of the agency.

Suit for further balance to be instituted within six months of service of notice of deposit.

XXXI. Whenever a deposit on account of rent shall have been made under the provisions of this Act, or of Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, no suit shall be brought against the person making the deposit, or his representatives, on account of any rent which accrued due prior to the date of the deposit, unless such suit be instituted within six months from the date of the service of the notice in Section V of the said Act VI of 1862, or in Section XLVII of this Act mentioned.

Naibs or Gomastahs to be deemed in certain cases authorized agents under Act VIII of 1859.

XXXII. Every Naib or Gomastah thereto specially authorised by any writing under the hand of his employer, shall for the purposes of all suits for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, be deemed to be the recognised agent of such employer within the meaning of Section XIII of the said Act VIII of 1859, though such employer may be within the jurisdiction of the Court in which such Naib or Gomastah may appear or make any application.

Cognizance of suits under this Act.

XXXIII. From and after the time when this Act shall commence and take effect in any place, the jurisdiction, save as regards any suits or proceedings then pending, of the Collectorate Courts in such place, under Act X of 1859 of the Governor-General in Council, and Act VI of 1862 of the Council of the Lieutenant-Governor of Bengal, to entertain suits, shall cease: and all suits brought for any cause of action arising under either of those Acts or this Act shall, from such time and in such place, be cognizable by the Civil Courts according to their several jurisdictions.

Proceedings to be regulated under Code of Civil Procedure.

XXXIV. Save as in this Act is otherwise provided, suits of every description brought for any cause of action arising under this Act, and all proceedings therein, shall be regulated by the Code of Civil Precedure passed by the Governor-General in Council, being Act No. VIII of 1859, and by such further and other enactments of the Governor-General in Council in relation to Civil Procedure as now are, or from time to time may be, in force; and all the provisions of the said Act and of such other enactments shall apply to such suits.

Jurisdiction in certain suits.

XXXV. The cause of action in suits brought for the delivery of any pottah or kubooliyet, or for the cancelment of any lease, for the determination of rates of rent, for illegal exactions of rent, cess, or impost, for refusal of receipts for rent paid, for extortion of rent, for excessive demand of rent, for abatement of rent, for arrears of rent, and for refusing to register transfers, successions, or divisions under Section XXVI, shall be deemed to have arisen within the jurisdiction of the Court which would have had jurisdiction to entertain a suit for the recovery of the land or other immoveable property in relation to which the cause of action arose, and shall be brought in such Court and in no other Court.

Provision when cause of action arises in different jurisdictions.

XXXVI. If the land which by the provisions of the next preceding Section determines the place in which the cause of action in the suits in the said Section mentioned shall be deemed to have arisen, be situate within the jurisdiction of different Courts, the provisions of Sections XI and XII of the said Act VIII of 1859 shall apply to such suits, as if the same had been suits for the recovery of such land.

Proceedings in case of opposition made to the measurement of land.

XXXVII. If any person, intending to measure any land which he has a right to measure, is opposed in making such measurement by the occupant of the land; or if any under tenant or ryot, having received notice of the intended measurement of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, the person claiming the right to measure such land may apply to establish his right to measure such land, in the Court which would have jurisdiction in case such suit had been brought for the recovery of such land, and such Court shall hear and determine the right to make such measurement, and, if the cause shall so require, shall make an order enjoining or excusing the attendance of any such under-tenant or ryot. If any

under-tenant or ryot, after the issue of an order enjoining his attendance, neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made, or any of the proceedings held, in his absence.

Measurement of land when it cannot be ascertained who are the persons liable to pay rent.

XXXVIII. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure, or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands, or any part of the lands comprised therein, such proprietor or other person may apply to the Court which would have had jurisdiction in case a suit had been brought for the recovery of such lands, and such Court thereupon, and on the necessary costs being deposited therein by the applicant, shall order such lands to be measured, and shall cause a copy of such order to be transmitted to the Collector in whose jurisdiction the lands are situate, together with the sum so deposited for costs, and the Collector shall thereupon proceed to measure such lands, and shall ascertain and record the names of the persons in occupation of the same, or, on the special application of the proprietor or other person aforesaid, but not otherwise, shall proceed to ascertain, determine, and record the tenures and under-tenures, the rates of rent payable in respect of such lands, and the persons by whom respectively the rents are payable. If after due enquiry the Collector shall be unable to cause such lands to be measured, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under-tenures in such lands, or any part thereof, then and in any such case such Collector may declare the same to have lapsed to the party on whose application such enquiry may have been made. If any person, within fifteen days after such Collector shall have recorded the name of such person as being in occupation of such land, or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and satisfy such Collector that there has been a failure of justice, such Collector may, upon such terms or conditions as may seem fit, alter or rescind such order according to the justice of the case.

Proceedings on completion of such measurement.

XXXIX. The Collector shall, as soon as conveniently may be after he shall have finally completed any such measurement and record, return a copy thereof to the Court by which such measurement had been ordered, and such Court shall receive and record the same; and every decision of the Collector made in pursuance of the provisions of Section XXXVIII shall be appealable as if the same had been an order of the Court into which such copy had been returned, made upon the day on which such copy was so returned; but, save as aforesaid, every decision of such Collector made in pursuance of the provisions of Section XXXVIII shall be final.

Collector's powers.

XL. The provisions of the said Act VIII of 1859 and the Acts amending the same, or of any other Act or Acts for the time being in force in Civil Courts in Bengal, relating to the evidence of witnesses, to procuring the attendance of witnesses and the production of documents, and to the examination, remuneration, and punishment of witnesses, shall apply to all proceedings before any Collector under Section XXXVIII; and for the purposes aforesaid, the Collector shall have all the powers and authorities in and by such Acts or any of them conferred upon the Court.

Measurement to be made by the pergunnah pole.

XLI. All measurements made under this Act shall be made according to the standard pole of measurement of the pergunnah in which the land is situated.

Register of suits.

XLII. All suits brought under any of the provisions of this Act shall be entered in a special register of the Court kept for that purpose.

Form of plaint in suits for arrears of rent.

XLIII. In any suit hereafter to be brought for the recovery of an arrear of rent, the plaint shall specify the name of the village and estate, and of the pergunnah or other local division in which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due. If the arrear is alleged to be due from any ryot, the plaint shall further specify the quantity of land; and where fields have been numbered in a Government Survey, the number (if it be possible to give it) of each field.

The Court may in certain cases award to the plaintiff additional damages not exceeding 25 cent.

XLIV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorized agent, or in case of the refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount in the Court before the institution of the suit in manner hereinafter mentioned, it

shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five per centum on the amount of rent decreed, as the Court may think fit. These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve per centum per annum from the date of decree until payment thereof.

The Court may award compensation not exceeding 25 per cent. on the amount sued for, to a defendant improperly sued.

XLV. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant had before the institution of the suit duly deposited in the Court, in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant, by way of compensation, such sum, not exceeding twenty-five per centum on the whole amount claimed by the plaintiff, as the Court may think fit; and such sum, with interest at the rate of twelve per centum per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums ordered to be paid by decrees of such Court.

Under-tenant or ryot may, after tender, &c., pay into Court, without any action being brought against him, what he admits to be due to his zemindar, &c.

XLVI. If any under-teant or ryot shall, at the Mâl Cutcherry for the receipt of rents, or other place where the rents of the land or other immoveable property held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zemindar or other person in receipt of the rent of such land; and if the amount so tendered shall not be accepted, and a receipt in full shall not be forthwith granted, it shall be lawful for the under-tenant or ryot, without any suit having been instituted against him, to deposit such amount in the Court having jurisdiction to entertain a suit for such rent, to the credit of the zemindar or other person aforesaid: and such deposit shall, so far as the under-tenant or ryot, and all persons claiming through or under him, are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or ryot of the amount deposited to such zemindar or other person.

Payment into Court to have effect of payment to zemindar or other person entitled.

Proceedings on making a payment into Court and drawing out the money.

XLVII. Such deposit shall be received in such Court on the application of the under-tenant or ryot, or his agent, made in writing, and on the under-tenant or ryot, or his agent, making a declaration in the form, or, as nearly as circumstances will admit, in the form set forth in the Schedule (A) hereto annexed, and the Court shall give a receipt for the same under its seal. If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence. Upon receiving the money so deposited, the Court shall issue a notice to the person to whose credit it has been deposited, in the form set forth in the Schedule (B) hereto annexed; and such notice shall be served by the Court, without the payment of any fee, either upon the person to whom it is addressed, or upon his Naib, Gomastah, or other agent; and in the absence of any such agent, it shall be served by sticking up a copy of the same in the said Court, and another copy upon the Mâl Cutcherry for the receipt of rents, or other place where the rents are usually paid for the land in respect of which the money has been deposited. If the person to whom such notice is issued, or his duly authorized agent, shall appear and apply that the money in deposit be paid to him, it shall be immediately made over to him.

After action brought defendant may pay into Court, without costs, money tendered before action brought.

XLVIII. The defendant in any suit instituted under any of the provisions of this Act, may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such same of money as such defendant may consider to be due to the plaintiff, without paying in any costs incurred by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, the plaintiff shall be charged with the whole costs of the suit incurred by the defendant; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit.

Costs if plaintiff goes on and recovers no more.

If no previous tender has been made, defendant may pay into Court what he admits to be due, with costs on that sum.

XLIX. The defendant in any suit instituted under any of the provisions of this Act, may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court, if necessary, as of a suit originally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be paid out of Court to the plaintiff. If after such payment the plaintiff elects to proceed in the suit and ultimately recovers no further sum than shall have been paid into Court, he shall be

charged with all costs incurred by the defendant subsequently to such payment; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with costs as upon a suit originally instituted, for the whole amount for which the plaintiff ultimately obtains a decree, but shall have credit thereout for the amount of costs paid into Court by him in the first instance.

Costs if plaintiff goes on with the suit.

L. No warrant of arrest before judgment shall be issued in a suit for arrears of rent due in respect of a defendant talook or other transferable tenure which may be liable to sale in execution of any decree which may be passed in the case.

No warrant of arrest before Judgment.

LI. It shall be lawful for any person entitled to recover the possession of land under any of the provisions of this Act, to include in his plaint a claim for the mesne profits of the land.

Mesne profits may be claimed in suits for recovery of land.

LII. Any person desiring to eject a ryot or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment and for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of such suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount, together with interest and costs of suit, be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

Suits for ejectment or cancelment of lease.

LIII. Whenever in any suit brought by any zemindar or other person in receipt of the rent of land, to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorised by any Regulation or Act, the Court shall pass a decree in favor of the plaintiff, no application in the form provided in Section 212 of the said Act VII of 1859 shall be necessary, but the Court shall forthwith, upon the plaintiff depositing in Court the necessary expenses, make an order for delivery of possession in execution of the decree. Provided, however, that in cases to which Section LII of this Act is applicable, no such order shall be made until after the expiration of fifteen days from the date of the decree.

Court to issue immediate execution in certain cases.

LIV. It shall not be lawful for the Court to entertain any application for stay of execution of any such order pending any appeal, and no person who shall have been evicted under any such order shall be restored to possession so long as the decree under which such order was issued shall remain unreversed.

In such cases execution not to be stayed pending appeal.

LV. Where a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Court may grant a pottah in conformity with the terms of the decree under the signature and seal of such Court, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

If person required by the decree refuse to grant pottah, Court may do so.

LVI. When a decree is given for the delivery of a kubooliyet, if the person required by the decree to execute such kubooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the signature and seal of the Court shall be of the same force and effect as a kubooliyet executed by the said person.

Refusal to execute kubooliyet as required by the decree.

LVII. Process of execution in any suit instituted under this Act may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both the person and property.

Process not to issue simultaneously against both person and property.

LVIII. No process of execution of any description whatsoever shall be issued on a judgment in any suit for any of the causes of action mentioned in Section XXVII, XXVIII, XXIX, or XXX, of this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred Rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to be period allowed for the execution of decrees of the Court.

No execution to be issued after three years from the date of judgment.

LIX. Whenever a decree may be passed for an arrear of rent due in respect of an under-tenure which by the title deeds or the custom of the country is transferable by sale, and the judgment-creditor shall make application for the attachment and sale of such under-tenure, the Court shall, so soon as such under-tenure shall have been ordered to be sold, cause to be hung up in some conspicuous part of the building in which such Court sits, and of the buildings in which the Collector and Judge of the District within which the land comprised in such under-tenure is situate, and to be affixed on some conspicuous place on such land and on some conspicuous place in the town or village in or nearest to which such land is situate, a notice for the sale of such under-tenure on some fixed date not less than twenty days from the hanging up of such notice in such Court.

Procedure on sale of under-tenure.

Contents of notice of sale of under-tenure.

LX. Every such notice shall specify in the words used in the plaint in the suit in which the decree was made, the name of the village, estate, and pergunnahs, or other local divisions in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree.

Under-tenures not to be sold while other execution in force.

LXI. No order for the sale of any such under-tenure shall be made in execution of a decree for recovery of arrears of rent payable in respect thereof, when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If, after sale of any such under-tenure in execution of such decree, any portion of the amount decreed remains due, process may be applied for and issued against any other property, moveable or immoveable, belonging to the debtor.

How the sale may be stayed by person interested in under-tenure.

LXII. If the sum due under the decree, together with interest to date of payment, and all costs of process, be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of Section 13 of Regulation VIII of 1819, for the recovery of sums paid by persons other than the defaulting holder of the under-tenure to stay the sale of the under-tenure, shall be applicable to all similar payments made under this Section.

If third party claim to be the lawful possessor of such under-tenure, Court to stay the sale and to enquire into and adjudicate upon the claim, upon decree being paid or secured.

LXIII. If after attachment and before sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, any third party may prefer a claim alleging that such third party and not the person against whom the decree has been obtained is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Court shall not postpone such sale, unless and until such third party shall have deposited in Court the amount of the decree, or given sufficient security for the same. Provided always that no transfer of an under-tenure which, by the provisions of this Act or any other law for the time being in force, is required to be registered in the Sherishtah of the zemindar or superior tenant, shall be recognized unless it has been so registered, or unless sufficient cause for non-registration be shewn to the satisfaction of the Court.

Non-registered tranfers not to be recognized.

Execution of decrees given in favour of sharers in undividadestates or tenures.

LXIV. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure, for money due to him on account of his share of the rent of an under-tenure situate in such undivided estate, talook, or tenure, no order for the sale of such under-tenure in execution of such decree shall be made unless and until all moveable property (if any) which such judgment-debtor may possess within the jurisdiction of the Court in which the suit was instituted, shall have been seized and sold in execution of such decree, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section LIX, may be seized and sold in execution of such decree, according to the ordinary procedure of the Court and not in the manner provided in the said Section, and every such sale shall have such and the same effect as the sale of any immoveable property sold in execution of a decree not being for arrears of rent payable in respect thereof.

Execution of Judgment.

LXV. In the execution of any decree for the payment of any money under this Act, not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the district in which the suit was instituted, the judgment creditor may apply for execution against any immoveable property belonging to such debtor.

Purchase to acquire the under-tenure, with certain exceptions, free of incumbrances.

LXVI. The purchaser of an under-tenure under the provisions of Sections LIX and LX of this Act shall acquire it free of all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagement under which the under-tenure was created, or by the subsequent written authority of the person who created it, his representatives or assignees, provided that nothing herein contained shall be held to entitle the purchaser to eject khoodkhast ryots or resident and hereditary cultivators, nor to calcel *bonâ-fide* engagements made with ryots or cultivators of the classes aforesaid by any holder of the under-tenure or his representatives, except it be proved in a regular suit to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor. Nothing in this Section shall be held to apply to the purchase of a tenure by the previous holder thereof through whose default the tenure was brought to sale.

Zemindar how to proceed if purchaser do not register.

LXVII. The purchaser of an under-tenure sold under this Act shall apply to the zemindar or other landholder within fifteen days from the day of sale to have

his name registered in the zemindar or other landholder's books as the purchaser, and shall execute a kubooliyet on the same terms and conditions on which the under-tenure was held by the defaulter; and if such application be not made within fifteen days, it shall be lawful for the zemindar or other landholder to sue the said purchaser for the delivery of a kubooliyet.

Produce of the land to be held hypothecated for the rent.

LXVIII. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent, as defined in Section XXI of this Act, is due from any cultivator of land, the zemindar, lakhrajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive the rent of such land immediately from the actual cultivator thereof, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due, under the following rules. Provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given, shall not be liable to distraint. Provided also that no sharer in a joint estate dependent talook, or other tenure in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorised to collect the rents of the whole estate, talook, or tenure, on behalf of all the sharers in the same.

Arrears of rent may be recovered by distraint under the following rules.

Cultivators who have given security to be exempt from distraint.

Proviso.

No distraint in certain cases.

LXIX. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

Power of distraint be exercised by managers under the Court of Wards &c.

LXX. The power of distraint vested by Section LXVIII in zemindars and other persons entitled to receive rent from cultivators of lands, may be exercised by managers under the Court of Wards, Surburakars, and Tehseeldars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by Naibs, Gomastahs, and other agents employed by any such persons as aforesaid in the collection of rent, if expressly authorised by power-of-attorney in that behalf: Provided that if any illegal act is committed by any such Naib, Gomastah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Proviso.

Standing crops, and crops gathered but not stored, liable to distraint.

LXXI. Standing crops and other ungathered products of the earth, and other products when reaped or gathered, and deposited in any threshing-place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the products in respect of which an arrear of rent is due, or of land held under the same rent, and no grain or other produce after it has been stored by the cultivator, or other property whatsoever, shall be liable to distraint under this Act.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the distraint is made. The demand and account shall, if practicable, be served upon the defaulter, or if he abscond or conceal himself so that they cannot be served, shall be affixed at his usual place of residence.

Distress to be proportionate to the arrears if not paid or tendered.

LXXIII. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it at his usual place of residence.

Standing crops, &c, when attached, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

LXXIV. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose. Crops or products, which from their nature do not admit of being stored, may be sold, before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when the crops or products or any part of the same, would be fit for cutting or gathering.

Distrainer may apply to the Court for aid upon occasion of resistance made or apprehended.

LXXV. If a distrainer shall be opposed, or shall apprehend resistance, and shall desire to obtain the assistance of a public officer, he may apply to the Court which under the provisions of this Act would have jurisdiction to entertain a suit for the rent for which such distrainer is about to distrain, and the Court may,

it thinks necessary, depute an officer to support the distrainer in making the distraint.

Persons empowered to distrain may give written authority to their servants to do so

LXXVI. When any person, empowered to distrain property under Section LXVIII or Section LXX, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (either on stamp or on plain paper) for the same, and the distress shall be made on the responsibility of the person giving such authority.

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.

LXXVII. If at any time after property has been distrained and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Application for sale.

LXXVIII. Within five days from the time of the storing of any distrained crops or products, or, if the crops or products do not from their nature require to be being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Court which would have jurisdiction to entertain a suit for the rent for which the distress was made.

Form of application.

LXXIX. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application, the distrainer shall lodge in Court the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Cost of notice upon defaulter to be deposited by distrainer.

Procedure by Civil Court on receipt of application.

LXXX. Immediately on receipt of any application under the provisions of the next preceding Section, the Court to which such application shall have been made shall appoint an officer to conduct the sale of such property, and shall cause to be served a notice [which shall be in the form contained in the Schedule (C) to this Act, or to the like effect] on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before such Court within the period of fifteen days from the receipt of the notice; and shall at the same time cause to be affixed upon some conspicuous place in the Court-house, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of application; and shall deliver a copy of the proclamation to the person charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Sale to be suspended when suit instituted.

LXXXI. If a suit shall be instituted in pursuance of the above provision the Court shall suspend proceedings in regard to the sale of the distrained property and shall certify to the officer appointed to conduct the sale of such property the fact.

Suit to contest distrainer's demand before issue of notice of sale.

LXXXII. Any person whose property has been distrained may, instead of doing as in this Act provided, may institute a suit to contest the demand on which the distraint was made immediately after the distraint of his property, and before the issue of the notice of sale; when such suit is instituted, the Court shall suspend proceedings for the sale of such property.

Distress to be withdrawn on receipt of Court's certificate that the owner has executed a bond to pay amount of decree with interest and costs.

LXXXIII. The person whose property has been distrained may, instead of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with sufficient security, binding himself and his sureties to pay whatever sum may be adjudged to be due from him with interest and costs of suit; and when such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if so requested, shall serve the distrainer with notice of the same, and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distraint.

Value of claim in suits disputing distress.

LXXXIV. The estimated value of the claim made in any suit filed under the provisions of Sections LXXX, LXXXII, and XCVI, or any of them, shall be deemed to be the amount of arrears of rent for which the distraint shall have been made.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

LXXXV. On the expiration of the period fixed in the proclamation of sale, if a suit to contest the demand of the distrainer be not in the meantime instituted in the Court and certified to the officer appointed to conduct the sale, such officer shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property, or such part of it as may be necessary, in the manner hereinafter prescribed.

Place and manner of sale of distrained property.

LXXXVI. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haut, or other place of public resort, if the officer appointed to conduct the sale should be of opinion that it is likely to

better advantage. The property shall be sold by public auction in one or more lots as such officer holding the sale may think advisable; and if the proceeds of the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

LXXXVII. If on the property being put up for sale a fair price, in the estimation of the officer holding the sale, be not offered for it, and the owner of the property or some person authorised to act on his behalf apply to have the sale postponed until the next day or the next market day, if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed whatever price may be offered for the property.

Payment of purchase-money.

LXXXVIII. The price of every lot shall be paid for in ready money at the time of sale, or as soon after as the officer holding the sale shall think necessary; and in default of such payment, the property shall be put up again and sold. When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Proceeds of sale.

LXXXIX. From the proceeds of the sale of distrained property, the Officer holding the sale shall make a deduction at the rate of one anna in the Rupee on account of the costs of the sale, and shall transmit the amount to the Court, in order that it may be credited to Government. He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale prescribed in Section LXXX, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made, with interest thereupon up to the day of sale; and if there be any overplus, it shall be delivered to the person whose property shall have been sold.

Officers holding sales prohibited from purchasing.

XC. Officers holding sales of property under this Act, and all persons employed by or subordinate to such Officers, are prohibited from purchasing, either directly or indirectly, any property sold by such Officers.

All irregularities to be reported to the Court.

XCI. Officers holding sales of distrained property are required to bring to the notice of the Court any material irregularities committed by distrainers under this Act: and if in any case, on proceeding to hold a sale of property, the Officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under Section LXXX, or pass such other order as may seem proper.

Recovery of expenses if Officer proceed to place of sale and no sale take place.

XCII. When any such Officer has proceeded to any place for the purpose of holding a sale, and no sale takes place either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to such Officer, the charge of one anna in the Rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary. In all other cases the Court shall make an order that such expenses shall be paid by the distrainer, and shall in such order fix the amount to be paid by him; such amount not to exceed the sum of ten Rupees: and the amount by such order directed to be paid may be recovered from such distrainer as if such order were a decree of such Court.

Proceedings of Officers, &, subject to revision and orders of Court.

XCIII. All proceedings under this Act of the Officers appointed to hold sales of distrained property shall be subject to the revision and orders of the Court with which they respectively are attached, and the Court may require the submission of such reports and statements of business performed by such officers as may be thought necessary.

Second proclamation of sale.

XCIV. When a suit has been instituted to contest the demand of a distrainer, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the Officer empowered to conduct the sale of such property and furnish a copy of such order to the distrainer, authorising the sale of the property; and on the application of the distrainer, which shall be made within five days from the receipt by him of such order, such Officer shall publish a second proclamation in the manner prescribed in Section LXXX, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of such proclamation; and unless the amount adjudged to be due with the costs of distress, including any costs of suit which may be ordered to be paid by the person

instituting such suit, be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Procedure after institution of suit to contest distrainer's demand.

XCV. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself instituted a suit for the amount. If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favor of the distrainer, together with such costs of suit as to such Court may seem proper, and the amount may be recovered by sale of the property as provided in the last proceeding Section if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or if the property has been released on security, by execution of the decree against the person and property of the defaulter and of his surety. If, on the other hand, the distraint is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such damages in favor of the plaintiff as the circumstances of the case shall seem to require, and may decree the costs of the suit to be paid by the distrainer.

Any person whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer.

XCVI. If any person shall claim as his own, property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person to try the right to the possession of the property in such Court, and in like manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted, the property may be released upon security being given for the value of the same. If the claim is dismissed, the Court shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer, and for payment of such costs of suit to such distrainer, as to such Court shall seem fit. If the claim is upheld, the Court shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require. Provided always that no claim to any produce of land liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage or otherwise, shall bar the prior claim of the person entitled to the rent of land; nor shall any attachment in execution of a judgment or decree of any Court prevail against such prior claim.

Persons prevented suing in time to save their property from sale, may sue for damages.

XCVII. If any person, whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by Sections LXXXII and XCVI, and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Also persons aggrieved by any illegal act of distrainer.

XCVIII. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained,

Unlawful distraint.

XCIX. If any person not empowered to distrain property under Sections LXVIII and LXX of this Act, nor employed for the purpose under a written authority by a person so empowered, shall under color of this Act distrain or sell or cause to be sold any property, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall, when the act complained of does not amount to criminal trespass, be liable to fine which may extend to three hundred Rupees or to imprisonment, simple or rigorous, which may extend to two months, or to both, in addition to any damages which may be awarded against him in such suit.

Time for commencing suits for damages.

C. Provided always that any suit which may be instituted under any of the last three Sections shall be commenced within three months from the date of occurrence of the cause of action.

Procedure on resistance to distraint &c.

CI. If any person shall resist a distraint of property duly made under the Act, or shall forcibly or clandestinely remove any distrained property, the Cuist

which would have jurisdiction in a suit for the rent for which such distraint was made, shall, upon complaint being made within fifteen days from the date of such resistance or removal, cause the person accused to be arrested; and if the offence be proved, and the offender be the owner of the property, shall order him to be imprisoned in the Civil Jail for six months, or until the whole arrear due to the distrainer, with all expenses and costs, shall be paid or levied by attachment and sale of the property of the offender under warrant of the Court. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred Rupees, or, in default of payment thereof, to imprisonment for a period not exceeding two months.

No appeal from any decree of the District Judge for money below 100 Rupees, unless it involve the right to enhance rent or a title to land.

CII. Nothing in this Act contained shall be deemed to confer any power of appeal in any suit tried and decided by a District Judge, originally or in appeal, if the amount sued for, or the value of the property claimed, does not exceed one hundred Rupees, in which suit a question of right to enhance or vary the rent of a ryot or tenant, or any question relating to a title to land or to some interest in land as between parties having conflicting claims thereto, has not been determined by the judgment.

Review of judgment.

CIII. No application for a review of any judgment or order passed in any suit brought under the provisions of this Act shall be received by any Court after the expiration of thirty days from the date of such order or judgment, but nothing in this Section contained shall be deemed to apply to the High Court of Judicature at Fort William in Bengal.

Small Cause Court not to have jurisdiction.

CIV. Nothing in this Act contained shall be deemed to confer upon any Court sitting as a Court of Small Causes cognizance of any suit brought under the provisions of this Act, of which it would not have had cognizance if this Act had not been passed.

Power to issue process free of charge.

CV. If in any case the Court is satisfied that a party is unable to pay the cost of any necessary process in any suit under this Act, it may direct such process to be served free of charge.

Application of Act.

CVI. This Act shall take effect in those Districts in the Provinces subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*, and thereupon this Act shall commence and take effect in the Districts named in such order at the day and [illegible] which shall be in such order provided for the commencement thereof.

Certain enactments to cease to have operation in places in which this Act takes effect.

CVII. When and so soon as this Act shall commence and take effect in any District, the various provisions mentioned in Schedule (D) hereto annexed shall cease to have operation or effect in such District, save so far as they repeal or modify any other Regulations or Acts, and save so far as regards suits or proceedings which before the time of the commencement of this Act shall have been instituted before any Collector.

Pending suit to be carried on under former practice.

CVIII. Whenever any suit or other proceeding under the provisions of the Acts in the Schedule (D) mentioned, or of any of them, shall at the time when this Act comes into operation in any place have been instituted before any Collector or other Officer having under the provisions of the same Acts or of any of them jurisdiction in such suit or proceeding, such suit or proceeding and all appeals therein shall be heard and determined, and execution of any decree or order therein shall be had, and the practice and procedure therein shall be such and the same, as if this Act had not been passed.

Act not to affect powers conferred by the Chota Nagpore Tenures Act.

CIX. Nothing in this Act contained shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to ascertain, regulate, and record certain tenures in Chota Nagpore, on any person appointed to be a Special Commissioner thereunder or on the Commissioner of the Division of Chota Nagpore.

Act VII of 1868 saved.

CX. Nothing in this Act contained shall in any way affect any of the provisions of Act VII of 1868 of the Council of the Lieutenant-Governor of Bengal for the recovery of arrears of land revenue and other demands recoverable as arrears of land revenue.

Short title.

CXI. This Act shall be called "The Landlord and Tenant Procedure Act 1869."

SCHEDULE A.

(Referred to in Section XLVII.)

I, A. B., of, &c., do solemnly declare that I did personally (or by my Agent, C. D), on the day of tender payment to E. F. at his

Mâl Cutcherry (or at) the place where the rent of the lands al held or cultivated by me under or from the said E. F. are usually payable, of the sum of Rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered (or to give me a receipt in full for the same); and I do declare, that to the best of my belief, the sum of Rupees so tendered, and which I now desire to pay into Court is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

SCHEDULE B.

(Referred to in Section XLVII.)

Court of
Dated the day of 18

To E. F., of, &.

WITH reference to the within declaration, you are hereby informed that the sum of Rupees therein mentioned is now in deposit in this Court and that the above sum will be paid to you or to your duly authorized agent on application ; and take notice that if you have any further claim or demand whatever to make against the said A. B. in respect of the rent of the said lands you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

[Copy of declaration in Schedule A to be annexed.]

SCHEDULE C.

(Referred to in Section LXXX.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Court of

A. B., DISTRAINER.

(Name, description, and address of the owner of the property.)

WHEREAS the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit in the Court of to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 18.

SCHEDULE D—*(Referred to in Sections CVII and CVIII.)*

Being Acts made inoperative in Districts in which this Act is in force.

DATE AND NO. OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
Act X of 1859	An act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	The whole Act.
Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council.	An act to amend Act X of 1859.	The whole Act.
Act IV of 1867 passed by the Lieutenant-Governor of Bengal in Council.	An Act to explain and amend Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.	The whole Act.